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Held at Headquarters, New York,
on Thursday, 10 December 1992, at 3 p.m.

President: Mr. GANEV (Bulgaria)

later: Mr. JESUS (Cape Verde)
(Vice-President)

- Law of the Sea [32]

  (a) Reports of the Secretary-General

  (b) Draft resolution

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 32

LAW OF THE SEA

(a) REPORTS OF THE SECRETARY-GENERAL (A/47/512, A/47/623)

(b) DRAFT RESOLUTION (A/47/L.28)

The PRESIDENT: This afternoon the General Assembly is holding its annual debate on the law of the sea, agenda item 32. This year's debate is notable inasmuch as it also marks the tenth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea.

I am sure that many in the Assembly remember the day, 30 April 1982, when the Third United Nations Conference on the Law of the Sea adopted the Convention, thus culminating a process that had started some nine years earlier and fulfilling its mandate to elaborate a comprehensive regime for the oceans. That regime, which eventually received a record number of 159 signatures, was opened for signature at Montego Bay, Jamaica, on 10 December 1982.

It is that event which we commemorate today, and that process to which we rededicate ourselves in order to achieve the goals embodied in the Convention - most importantly, peace, order and stability in the oceans.

I call on the Secretary-General.

The SECRETARY-GENERAL (interpretation from French): It is with great pleasure that I see representatives gathered here today. This is a solemn occasion. We are commemorating the tenth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. Everyone is aware that this Convention marks an essential stage in our Organization's history of nearly 50 years, an essential stage in the building of a real community of nations.

I should like to begin by paying tribute to Ambassador Arvid Pardo. Twenty-five years ago, in a historic statement before the General Assembly, Arvid Pardo persuaded the international community to include the question of the law of the sea on its agenda. On behalf of the Members of the United Nations, I should like today to express our solemn gratitude. It is largely thanks to him, thanks to his initiative, that the international community understood the need to adapt the law of the sea to the new world scene.

The need to adapt the legal regime of the sea rests on two major foundations.

On the one hand, a very large number of maritime questions remained unresolved, and legislation did not provide answers to them. Political leaders did not have appropriate instruments to deal with disputes over territorial waters, overexploitation of the biological resources of the seas, deterioration of the marine environment and other questions that were becoming more and more acute.

On the other hand, technical progress opened the way for broad exploitation of the seabeds, and it was necessary to define a regime for this purpose. It was also important to prevent the danger of rapid deterioration and widespread pollution that accompanied systematic and uncontrolled exploitation.

(The Secretary-General)

Starting in 1973, the Conference negotiated a global regime for the oceans. The goal was to replace uncertainty and the risk of conflict with order, stability and the clarity of law. In nine years the Conference accomplished remarkable work. Today, as we celebrate the tenth anniversary of the Convention, everyone can see how far we have come and everyone knows how indispensable that work proved to be.

Today, let us loudly proclaim our shared resolve to continue on this course, for peace and justice are at stake on the seas too. Marine areas constitute two thirds of the planet's surface, and the future of the planet depends on their being managed rationally. This is our duty to future generations, and by clearly setting forth rights and duties the Convention on the Law of the Sea is the instrument for this work now and in the future.

As members know, the Convention divides ocean space into two parts - areas that are under national jurisdiction and areas that lie beyond it. For the latter, it creates two separate regimes - the regime for the high seas and the regime for the seabed and the ocean floor. This legal order is clear, and it must remain so. Without a clear framework, we can be sure, there will be no possibility of the peaceful and equitable use of the seas and oceans or of the preservation of their biological resources.

Today, these provisions are inspiring legislation in many countries, but they also serve as a framework for many measures of cooperation. Hence, for example, the limit of 12 nautical miles for territorial seas is accepted almost universally, and most coastal States have taken measures to exercise their sovereign rights over the resources of their exclusive economic zone. Furthermore, a certain number of Treaties of global scope and others of

(The Secretary-General)

regional scope have been concluded in order to protect the marine environment on the basis of the framework provisions of the Convention.

In spite of these positive aspects, we must not be over-optimistic. A great deal remains to be done, especially as new threats appear on the horizon. I should like to mention but a few: there are certain excessive claims on areas of national jurisdiction; there is abusive use and waste of the biological resources of the seas; and there is the uncontrolled development of coastal regions, with the resulting threats to the environment.

It is increasingly urgent that answers be provided to overcome these threats. If we are not careful, these difficulties could steadily undermine the Convention itself, and everything would have to be redone from the start.

(The Secretary-General)

But right now there is one difficulty that rivals all others: 10 years after the adoption of the Convention not all States have yet ratified it. This is all the more regrettable since the Convention was signed by 159 countries - more than any other international treaty.

Among the countries that have not adhered to it are certain large industrialized States. This is indeed a grave threat. It is all the more regrettable since these countries are among the main users of the seas and are often parties to maritime disputes. Above all, and this is even more serious, they are among the main polluters. The citizens of these countries must be made aware of this and must decide whether or not this situation should persist.

In my capacity as Secretary-General of the United Nations I will spare no effort to overcome the remaining obstacles. It is my intention to continue to work towards having all the major industrialized countries adhere to the Convention. It is in this spirit that I am continuing the informal consultations begun by my predecessor, Mr Javier Pérez de Cuéllar, on outstanding issues relating to mining the seabed. I will continue these consultations for as long as necessary, with perseverance, patience and obstinacy. It goes without saying that the earlier we arrive at a consensus the earlier the international community will be in a position to tackle whatever new problems arise, because there are new challenges and we cannot afford to lose any time.

The Convention on the Law of the Sea is one of the major accomplishments of the United Nations. It is important not only because of its subject-matter but because it encompasses all human activities. It is no coincidence that in many civilizations water and salt are symbols of life.

(The Secretary-General)

We will therefore be fulfilling our mission, a mission which does not involve domesticating the seas. I believe that the seas will remain the world's last wild frontier. It is our task to protect man's share by law.

The PRESIDENT: I should like to propose, if I hear no objection, that the list of speakers in the debate be closed one hour from now.

It was so decided.

The PRESIDENT: I request representatives wishing to participate in the debate to inscribe their names on the list as soon as possible.

I call on the representative of Cape Verde who, in his capacity as Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, will introduce the draft resolution on this item in the course of his statement.

Mr. JESUS (Cape Verde), Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea: Today we celebrate a major achievement in international negotiations represented by and embodied in the Convention on the Law of the Sea.

We salute the presence here today of Ambassador Arvid Pardo, whose historic speech initiated a process that was to culminate in the adoption of the Convention.

As we have stated before, the 1982 United Nations Convention on the Law of the Sea stands as one of the most remarkable achievements of the international community in the field of codification and progressive development of international law.

The complex and protracted negotiations that led to its adoption remain a monument of cooperation and of the political will of States to settle, by

(Mr. Jesus, Chairman, Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea)

peaceful means, their conflicting and opposing interests. Though not yet in force, it is widely recognized that the Convention on the Law of the Sea has had, and continues to have, a major impact on State practice related to maritime activities.

The unprecedented role already played by the Convention as a guide for the conduct of States in the peaceful use of the oceans and the orderly sharing of marine resources is the result of a convergence of many factors. Among them the following should be emphasized:

First, I must mention the universal participation, in one way or another, of all States, peoples and territories in the work of the Third United Nations Conference on the Law of the Sea.

The third law of the sea Conference was in fact a major international conference, a model of what could be considered as a multilateral forum of truly universal participation to discuss and settle, with the agreement of all, issues of collective concern. Virtually all independent States, non-self-governing territories and scores of observers participated actively in the work of the Conference. States from all continents, and of different sizes and political systems, joined in the same universal endeavour to protect their national interests within a peaceful and diplomatic framework.

As stated by the Secretary-General of the United Nations at the closing meeting of the Conference in Montego Bay in December 1982:

(Mr. Jesus, Chairman, Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea)

"The new Law of the Sea thus created is not simply the result of a process of action and reaction among the most powerful countries but the product of the will of an overwhelming majority of nations from all parts of the world, at different levels of development and having diverse geographical characteristics in relation to the oceans, which combined to make a wind of change blow at the universal level." (Third United Nations Conference on the Law of the Sea, 193rd meeting, para. 33)

Secondly, the consensus procedure followed by the Conference is a way of arriving at results that could be universally supported.

In the past the main rules and principles of international law, including the law of the sea, were laid down by consensus among the then major Powers. The Conference on the Law of the Sea, however, represented a major departure from such a tradition in that all the results achieved in the negotiations, as crystallized in the Convention, reflected the interests of all nations and represented a general agreement based on a complex network of give and take.

To conduct negotiations on the basis of consensus was a wise and important decision taken by the Third Conference in forging a convention that could command the support of every nation. The experience of past United Nations law of the sea conferences had in fact taught that consensus was the best procedure to ensure that the legitimate and fundamental interests of every nation would be protected through agreements reflecting the broadest spectrum of national positions.

(Mr. Jesus, Chairman, Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea)

The procedure of negotiation through consensus played such an important role in the formation of the new law of the sea Convention that certain legal institutions and concepts that emerged in the process of negotiations in the Third United Nations Conference were immediately followed in practice by many States long before the adoption of the Convention, convinced as they were that such institutions and concepts reflected the general view of States.

Thirdly, developments during the Conference gave rise to new concepts and brought new maritime areas into the jurisdiction of the coastal States.

(Mr. Jesus, Chairman, Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea)

Such is the case, among others, of the concepts of archipelagic waters and the exclusive economic zone. Taking into account that these new developments were very much in the interest of coastal States, whose jurisdiction and sovereignty over certain maritime areas were immeasurably amplified, the overwhelming majority of those States did not even wait for the Convention to come into force to incorporate those new developments into their national legislation.

In the light of these three factors, namely, the universal participation of all States in the work of the Conference on the Law of the Sea, the consensus procedure as a method of achieving lasting results and the interest of coastal States in incorporating new and important maritime areas - as envisaged in the Convention - into their jurisdiction and sovereignty, it comes as no surprise to anyone that a substantial practice has developed among the overwhelming majority of States to adjust their policies and national legislation to the new legal order for the oceans that emerged from the Conference.

As we celebrate here today the tenth anniversary of its opening for signature in Montego Bay, it is befitting to evaluate and highlight the impact of the Convention on States' practice.

As mentioned in the Secretary-General's report, there are many States that have enacted legislation incorporating various aspects of the Convention. Even before its entry into force, the majority of States have, through their legislation, embraced the novel concept of the 200-mile

(Mr. Jesus, Chairman, Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea)

exclusive economic zone and extended their territorial sea to 12 miles. Many others have adopted legislation establishing archipelagic waters, contiguous zones and continental shelves, in conformity with the provisions of the Convention.

In many other aspects, such as protection of the marine environment, delimitation of maritime borders and preservation and conservation of marine living resources, the Convention is being complied with closely in States' practice.

The Convention thus seems to inspire and guide to a large extent modern State practice on the law of the sea, to the sense that some of its institutions and concepts are thought to have formed an international model. These are good developments in that they anticipate the solid support basis of the Convention when it comes into force and bode well for its future.

While the Convention has commanded broad support, especially in relation to its provisions on the so-called traditional uses, its Part XI and related annexes represent a major obstacle for its universal acceptance. Over the years, the work of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, whose main mandate relates to Part XI, has been saddled with the difficulties raised by that part of the Convention. Having personally participated in all sessions of the Preparatory Commission over the last 10 years and having been Chairman of this body for the past six years, I have been in a position to understand the nature of these difficulties, and I have come to the conclusion

(Mr. Jesus, Chairman, Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea)

that it is important that agreement be reached on these difficulties in order to promote universal acceptance of the Convention.

As I have said elsewhere, the problems with the international seabed regime, if not adressed in due time, have in the long run the potential of becoming a destabilizing factor of the legally binding effect of the Convention when it comes into force. We should therefore take advantage of the remaining time before the entering into force of the Convention to work out a compromise.

On various occasions I have myself suggested the details of an approach that could facilitate an agreement that would not necessarily address in detail all the pending issues, the substantive solution of which might not be found for the time being, for such a solution has to be based on data and events not yet known to us. As I have put it elsewhere, the problems we face today in Part XI stem from assumptions made in past negotiations that have proved, only 10 years later, to be at odds with today's realities. We should therefore learn a lesson and exercise restraint in attempting to find solutions today for the seabed mining system on the basis of assumptions that might most likely prove to be in contradiction with the facts and realities of tomorrow's world.

I remain convinced that, if we concentrate our efforts on achieving a framework agreement on the present difficulties of Part XI, we might succeed in promoting the universality of the Convention sooner than we think. The ongoing consultations of the Secretary-General might still play a positive role in this regard.

(Mr. Jesus, Chairman, Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea)

Although the work of the Preparatory Commission has been crippled by the problems of Part XI, much progress has been made. We have successfully implemented the pioneer regime, having registered six pioneer investors from among developed and developing countries. We have also completed the negotiations on the various sets of rules, regulations and procedures of the organs and bodies of the Seabed Authority and the Law of the Sea Tribunal.

We are now at the stage of considering the provisional final reports as we approach the final stage of our work in the Preparatory Commission. The pending issues on our agenda can only be dealt with once political agreement is reached on the difficulties of Part XI. If that happens, the Preparatory Commission will then have discharged its mandate successfully. Let us hope that a compromise will be reached on the problems of Part XI. As I see it, such a compromise is within our reach. We shall be able, therefore, to take the necessary steps to that end.

I would like to take this opportunity to pay tribute to Under-Secretary-General Fleischhauer and the members of the law of the sea staff for the services rendered to the Preparatory Commission and the cooperation extended to me.

I have the honour to introduce the draft resolution contained in document A/47/L.28, on behalf of the following sponsors: Australia, Barbados, Brazil, Cameroon, Canada, Chile, the Comoros, Cyprus, Denmark, Fiji, Grenada, Guyana, Iceland, Indonesia, Ireland, Jamaica, Lesotho, Madagascar, Malta, Mauritania, Mexico, the Federated States of Micronesia, Myanmar, Namibia, New Zealand, Norway, the Philippines, Portugal, Saint Lucia, Samoa, Senegal, Singapore,

(Mr. Jesus, Chairman, Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea)

Solomon Islands, Sri Lanka, Sweden, Thailand, Trinidad and Tobago, Ukraine, Uruguay, and my own country, Cape Verde.

The draft resolution took no more than 30 minutes to be agreed upon, for it reflects basically the text of the resolution on the Law of the Sea adopted by the Assembly last year.

I shall therefore save time by refraining from making the usual introduction of a draft resolution, paragraph by paragraph. I would only like to draw the attention of members to paragraph 18 on the decision of the Preparatory Commission to meet next spring, and the possibility of holding a summer meeting next year, subject to the consultations the Chairman of the Preparatory Commission will undertake in the course of the spring meeting.

I therefore commend the draft resolution to all members, and kindly ask for their support.

Mr. PARDO (Malta): I would like first of all to thank the Chairman of the Preparatory Commission and the Secretary-General of the United Nations for the kind words they addressed to me.

It is a great joy for me to be here today, as a member of the Malta delegation to the United Nations, to participate in the commemoration of the tenth anniversary of the signing in 1982 of the United Nations Convention on the Law of the Sea - an event that a former Secretary-General of the United Nations described as the most important achievement of the United Nations system since the San Francisco Conference.*

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* Mr. Jesus (Cape Verde), Vice-President, took the Chair.

(Mr. Pardo, Malta)

The 1982 Convention not only codifies and progressively develops traditional law of the sea, it transforms the law as it existed in the 1960s. Parts I to X of the Convention contain significant changes in traditional law, but these, although important, are, with the exception of part IX, scarcely more than a development of traditional concepts.

The statement in the preamble of the Convention that:

"the problems of ocean space are closely interrelated and need to be considered as a whole"

reflects a revolution in the international community's approach to the law of the sea. This statement - together with parts XII, XIV and XV, on the protection and preservation of the marine environment, the development and transfer of marine technology, and the settlement of disputes - would in themselves form the substance of an unusual and outstanding general convention on the law of the sea. But the truly historic importance of the 1982 Convention resides in international acceptance of the principle of the common heritage of mankind contained in part XI, even if limited only to the seabed beyond national jurisdiction. The Government of Malta is well aware that part XI contains flaws, some of which are quite serious. But these flaws can be remedied and it is necessary to look to the future.

Science and technology are producing a new civilization. It is becoming increasingly intolerable to rely exclusively on the twin principles of traditional law of the sea - sovereignty and freedom of the seas - in regulating the activities of States in the marine environment. It is obvious that the assumptions on which Grotius based the principle of freedom of the seas no longer correspond to contemporary realities; it is equally obvious that the principle of sovereignty, if extended to ocean space as a whole,

(Mr. Pardo, Malta)

would result in grievous injury to the majority of the international community and particularly to those countries that are land-locked, poor or technologically less advanced.

The concept of the common heritage of mankind is characterized, first, by the inappropriability of the common heritage; secondly, by a system of management in which all users share; thirdly, by an active sharing of financial benefits and of benefits derived from shared management and transfer of technologies; fourthly, by a reservation for peaceful purposes; and finally, by a reservation for future generations. The concept is intended to balance to some extent the enormous territorial gains of many coastal States from their ratification of the 1982 Convention and to confer dignity and a role to the many in the international community that have been marginalized. There will be little development of the seabed beyond national jurisdiction over the next decade. An additional principle of international law is urgently required and, most important, all States must be brought fully into the international community if peace is to reign. Hence, it is difficult for me to understand the continued opposition to a concept that can only enhance international cooperation in the critical years ahead.

In any case, concerned as always to be closely associated with the constructive achievements of the United Nations, the Government of Malta believes that this is the appropriate occasion to announce that it has the intention to ratify the 1982 Convention and that the appropriate legislation has already received its first reading in Parliament. While the Government of Malta believes in the historic character of the Convention, it cannot be denied that some provisions contained therein require some clarification. In this connection, I would point out that its ratification of the United Nations

(Mr. Pardo, Malta)

Convention on the Law of the Sea is a reflection of Malta's recognition of the many positive elements it contains, including its comprehensiveness and its role in the application of the concept of the common heritage of mankind. At the same time, it is realized that the effectiveness of the regime established by the Convention depends to a great extent on the attainment of its universal acceptance, not least by the major maritime States and those with technology, which are most affected by the regime.

The effectiveness of the provisions of part IX, on enclosed or semi-enclosed seas, which provide for the cooperation of States bordering seas like the Mediterranean, depends on the acceptance of the Convention by the States concerned. To this end, the Government of Malta encourages and actively supports all efforts at achieving this universality. The Maltese Government interprets articles 69 and 70 of the Convention as meaning that access to fishing in the exclusive economic zone of third States by vessels of developed land-locked and geographically disadvantaged States is dependent upon the prior granting of access by the coastal States in question to the nationals of other States which have habitually fished in the said zone.

The baseline as established by Maltese legislation for the delimitation of the territorial sea and related areas and for the archipelago of the islands of Malta - which incorporates the island of Filfla as one of the points from which baselines are drawn - is fully in line with the relevant provisions of the Convention.

The Government of Malta interprets article 74 and article 83 to the effect that, in the absence of agreement on the delimitation of the exclusive economic zone or the continental shelf or other maritime zones, the boundary shall be the median line - namely, a line every point of which is equidistant

(Mr. Pardo, Malta)

from the nearest points of the baselines from which the breadth of the territorial waters of Malta and of such other State or States is measured.

The exercise of the right of innocent passage of warships through the territorial sea of other States should also be perceived to be a peaceful one. Effective and speedy means of communication are easily available and make the prior notification of the exercise of the right of innocent passage by warships reasonable and not incompatible with the Convention. Such notification is already required by some States, and Malta reserves the right to legislate on this point. Malta is also of the view that such a notification requirement is needed in respect of nuclear-powered ships or ships carrying nuclear or other inherently dangerous or noxious substances.

Legislation and regulations concerning the passage of ships through the Maltese territorial sea are compatible with the provisions of the Convention. At the same time, the right is reserved to develop further this legislation in conformity with the Convention as may be required. Malta declares itself in favour of establishing sea lanes and special regimes for foreign fishing vessels traversing its territorial sea.

Note is taken of the statement of the European Community made at the time of signature of the Convention regarding the fact that its Member States have transferred competence to it with regard to certain aspects of the Convention. In view of Malta's application to join the European Community, it is understood that this will also become applicable to Malta on membership.

The Government of Malta does not consider itself bound by any of the declarations which other States may have made or will make upon signing or

(Mr. Pardo, Malta)

ratifying the Convention, reserving the right, as necessary, to determine its position with regard to each of them at the appropriate time. In particular, ratification of the Convention does not imply automatic recognition of maritime or territorial claims by any signatory or ratifying State.

Mr. RICHARDSON (United Kingdom): I am speaking on behalf of the European Community and its member States.

The European Community and its member States attach great importance to the law of the sea and to the creation of conditions that would ensure that the 1982 United Nations Convention on the Law of the Sea can become a universally acceptable international instrument. In this statement I shall, for obvious reasons, concentrate mainly on part XI. This is in no way intended to diminish the importance of other parts of the Convention dealing with what may be termed the traditional law of the sea.

The tenth anniversary of the opening for signature of the Convention is an important landmark. We should use this opportunity to reflect on the developments relating to the Convention and the work of the Preparatory Commission over the last 10 years, the achievements and the shortcomings. We need to consider the great advantages that would flow from a universally accepted Convention, and how the obstacles standing in the way of this goal may be overcome. And we should look towards achieving a practical way forward.

The European Community and its member States have participated in, and value the work of, the Preparatory Commission. We pay particular tribute, Mr. President, to your skilful leadership. The Preparatory Commission has made useful progress preparing the infrastructure necessary for an effective International Seabed Authority and an International Tribunal for the Law of the Sea. At its tenth session the Preparatory Commission reached further agreements on the obligations of the pioneer investors and on health and safety standards and made progress in establishing a programme of training. There was also a welcome discussion on the environmental aspects of deep seabed mining.

(Mr. Richardson, United Kingdom)

However, the work of the Preparatory Commission has continued whilst the prospects of deep seabed mining are further away now than any of us imagined in 1982. In view of this, we welcome the move to rationalize the work of the Preparatory Commission. We support the aim of winding up, for the time being, the Commission's substantive work and finalizing, at the next session, provisional reports on the four Special Commissions and the informal plenary meeting in Kingston. The decision to scale down the work of the Preparatory Commission reflects reality: deep seabed mining is still a matter for the distant future.

The future of the 1982 United Nations Convention on the Law of the Sea is now in a crucial phase. On the one hand, there is a growing consensus on ways of removing difficulties which have prevented certain States from ratifying or acceding to the Convention. On the other hand, an increasing number of States have ratified the Convention, bringing closer the attainment of the 60 ratifications necessary for its entry into force.

The European Community and its member States remain convinced of the utmost importance of a universally acceptable regime to regulate the various uses of the seas. We are convinced also that, in this respect, the 1982 United Nations Convention on the Law of the Sea, covering as it does such matters as the territorial sea, the exclusive economic zone, the continental shelf and the high seas, is the most appropriate instrument to give effect to this.

However, there are still serious obstacles to universal acceptance of the Convention, and if universality is to be achieved, outstanding issues relating to the legal regime for deep seabed mining will have to be resolved. Changes are needed to bring part XI into line with the economic realities of the 1990s

(Mr. Richardson, United Kingdom)

and beyond. We consider it important that solutions be found as soon as possible, before the Convention enters into force. We urge all States to work to this end.

With a view to achieving universal acceptance of the Convention, the Secretary-General has continued a series of consultations on outstanding problems relating to part XI of this Convention. We are grateful to the Secretary-General and to the Legal Counsel, Mr. Fleischhauer, for their leadership.

The European Community and its member States have noted with appreciation that the delegations taking part in these informal consultations, whether from developing or from industrialized countries, have examined the outstanding problems in a cooperative spirit. Progress has been made. We hope that the consultations can now move on to a final resolution of outstanding problems before the Convention enters into force. It would thus be possible to obtain the universal participation that the Convention deserves - and the financial support necessary to ensure its success.

The European Community and its member States ask the Secretary-General to continue and intensify informal consultations aimed at securing the objective which all delegations share: a universally acceptable law of the sea Convention.

We also wish to express our appreciation for the many activities that have been undertaken by the Division for Ocean Affairs and the Law of the Sea. We look forward to the continuation of the indispensable work of the Division, which is of benefit to all those interested in the subject. We are

(Mr. Richardson, United Kingdom)

grateful for the report (A/47/623), of the Secretary-General entitled "Law of the Sea", which we have just received and which we will study with interest.

The European Community and its member States are also grateful for the report (A/47/512) of the Secretary-General on the progress made in the implementation of the comprehensive legal regime embodied in the United Nations Convention on the Law of the Sea. It gives a clear picture of where we stand in this respect.

Not all developments, however, are positive. We note, for example, that paragraph 85 of the Secretary-General's report (A/47/512) refers to some exceptional cases where State practice is not in conformity with, or clearly deviates from, the relevant provisions of the Convention, particularly in the areas of the breadth of the territorial sea and the nature of the coastal State's jurisdiction in the contiguous zone and the exclusive economic zone with respect to security, fisheries, pollution control and marine scientific research.

Another matter of deep concern to the European Community and its member States - one covered in the report entitled "Law of the Sea" (A/47/623) - is the high number of acts of piracy and illegal acts of violence, detention and depredation committed in maritime areas within and beyond national jurisdiction against ships, or persons or property on board ships. The European Community and its member States strongly support international initiatives designed to combat this growing problem.

(Mr. Richardson, United Kingdom)

In conclusion, the European Community and its member States sincerely hope that this tenth anniversary will encourage even greater determination to overcome the obstacles to universal participation in the Convention. We cannot afford to let more years go by without removing the stumbling blocks which prevent many States from giving the Convention the commitment and financial support it deserves. The future of the entire Convention is at stake. We hope that 1993 will be a year of achievement.

Mr. MARUYAMA (Japan): As the year in which we commemorate the tenth anniversary of the adoption of the United Nations Convention on the Law of the Sea comes to an end, we note that 52 countries have already ratified or acceded to the Convention. The Preparatory Commission has advanced to the final stage in its preparatory work for developing the Authority and the Tribunal, in accordance with resolution I of the Third United Nations Conference on the Law of the Sea. In view of the progress that has been made thus far, the tenth anniversary should be considered as an important opportunity for every State to reflect seriously on the future viability of the Convention.

On this occasion, I would like to express my sincere gratitude to the Under-Secretary-General for Legal Affairs, Mr. Carl-August Fleischhauer, and his staff in the Office for Ocean Affairs and the Law of the Sea for their invaluable efforts. I pay tribute as well to all the States concerned, whose spirit of cooperation has been essential to the progress that has been made on enhancing the universality of the Convention.

The Preparatory Commission has been conducting its work throughout the past decade. It is thanks to the unsparing efforts of its Chairman, Ambassador José Luis Jesus, and the Chairmen of the four Special Commissions that its work has entered the final stage. Particularly noteworthy is the progress that has been made with respect to the registration and implementation of the obligations of the pioneer investors, as well as to the rules and procedures of the Authority and the Tribunal. Several unresolved issues remain, due in part to the global political and economic changes that have occurred since the Convention was adopted. I hope they will be taken up for consideration in an effort to achieve universality of the Convention.

(Mr. Maruyama, Japan)

My delegation is of the view that, as the Chairman proposed in his statement at the last session of the Preparatory Commission, the provisional reports should be adopted by the Plenary, in regard to the Authority, and by each Special Commission as soon as possible. We also believe that at its next meeting in Kingston the Preparatory Commission should include as an item on its agenda a discussion of its future work.

I would like to confirm that the Japanese pioneer investor has faithfully implemented its obligations in accordance with the Understanding on the fulfilment of obligations by the registered pioneer investors and their certifying States. At its spring session this year the Preparatory Commission adopted Japan's training programme, and at its most recent session three candidates were nominated for training in Japan. The Japanese Government and its pioneer investor are now preparing to receive the trainees for the programmes that will commence in May 1993. Japan and its pioneer investor reaffirm their commitment to implement faithfully the Understanding on the fulfillment of obligations.

My delegation welcomes the adoption of the Understanding on the fulfilment of obligations by the registered pioneer investors for the China Ocean Mineral Resources Research and Development Association (COMRA), and the Interoceanmetal Joint Organization (IOM) and their respective certifying States. We expect that in faithfully implementing the agreed obligations the Parties will contribute to the future development of seabed mining.

The necessity of ensuring the universality of the Convention has gained world-wide recognition, and the Secretary-General's initiative to achieve that end has Japan's full support. I would like to express my sincere appreciation to Secretary-General Boutros Boutros-Ghali for continuing the invaluable

(Mr. Maruyama, Japan)

initiative of his predecessor, Mr. Javier Pérez de Cuéllar, to achieve this goal through dialogue. My delegation is encouraged that with the two consultations held so far this year the informal dialogue has entered the second round of examination. We are also pleased that the consultations are open to every interested State and that as a result the number of participants in the dialogue has more than doubled over the past year. We believe this augurs well for the universality of the Convention.

My delegation also deems it necessary to discuss measures to implement agreements reached through dialogue in order to ensure that there is a legal basis for more practical deep seabed mining activities. In this connection, the draft resolution before us recognizes the need to re-evaluate Part XI of the Convention, in view of the political and economic changes that have occurred since it was adopted, as well as the need for a productive dialogue on issues that involve all interested parties. We also hope that all States concerned about the future of the Convention will maintain the momentum for further dialogue.

Japan, for its part, is ready to extend its full cooperation to ensure that the dialogue continues. It does so in the hope that the remaining issues will be resolved and that the Convention will come into force with universal acceptance.

Mr. KALPAGE (Sri Lanka): Today, 10 December 1992, marks the tenth anniversary of the adoption in Montego Bay, Jamaica, of the Convention on the Law of the Sea. The Convention has been described as

> "a constitution for the oceans, embodying as it does a comprehensive legal regime governing all ocean uses and the exploitation of all ocean resources."

(Mr. Kalpagé, Sri Lanka)

The adoption of the Convention is one of the most important achievements in international relations and multilateral treaty-making of this century.

Although the Convention has not yet entered into force, it exerts a substantial influence on what the international community regards as activities that are permissible and those that are not permissible and indeed as to what activity, though permissible, may nevertheless not be desirable.

As of 9 December 1984, when the period for signature of the Convention closed, there were 159 signatories. The large number of Member States that signed the Convention undoubtedly contributes to the Convention's influence. Much of the considerable moral influence that the Convention has exerted on the international community clearly derives also from the vast collective consensus-seeking process, extending over many years, which preceded the Convention.

Representatives from a number of countries contributed to that collective endeavour. Among them was Sri Lanka's Ambassador Shirley Amerasinghe, who chaired the Third United Nations Conference on the Law of the Sea from its inception until his demise shortly before the Conference concluded its work. Ambassador Amerasinghe's work is remembered in the Memorial Scholarship on the Law of the Sea established in his name. Another prominent Asian, Ambassador Tommy Koh of Singapore, then succeeded to the presidency of the Conference.

(Mr. Kalpagé, Sri Lanka)

There are many examples of the continuing durable and pervasive influence of the Convention. One of the most recent and more striking examples was seen at the United Nations Conference on Environment and Development in Rio de Janeiro in June 1992: chapter 17 of Agenda 21, dealing with the protection and sustainable development of the marine and coastal environment and its resources, makes several references to the Convention. Most notable is the introductory reference to the Convention in these terms:

> "International law, as reflected in the provisions of the United Nations Convention on the Law of the Sea, referred to in this chapter of Agenda 21, sets forth rights and obligations of States and provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources". (A/CONF.151/26 (Vol. II), chap. 17.1)

Fifty-two States have thus far ratified or acceded to the Convention. Of these, nearly all are developing countries. This is certainly not what was expected in Montego Bay 10 years ago. It may be recalled that President Tommy Koh, when closing the Conference on the Law of the Sea, expressed the hope that the Convention would be in force within two years. Of course, a universally acceptable Convention must surely be the ultimate goal.

We are gratified to note that open-ended informal consultations, under the auspices of the Secretary-General with the assistance of the Legal Counsel, Mr. Fleischhauer, for resolution of the problems lying in the way of universal acceptability of the Convention are now in place. They seek to address the concerns of some States as to the appropriateness of the deep seabed mining provisions of the Convention. These consultations continue to be the promising framework within which to proceed.

(Mr. Kalpagé, Sri Lanka)

At the last session of the informal consultations, environmental considerations, in the context of deep seabed mining, were no longer considered a controversial issue. This is indicates that progress is now possible, and is very encouraging. However, the more difficult problems have still to be resolved. Every endeavour should be made to resolve these matters before the Convention enters into force.

Thus the question of how the remaining difficulties relating to deep seabed mining might be settled remains the paramcunt issue. It is a question that will demand much in effort and time, ingenuity, understanding and cooperativeness on the part of all. Failure will be most unfortunate.

The Indian Ocean Marine Affairs Cooperation (IOMAC), an initiative taken by Sri Lanka in 1981 in the Asian-African Legal Consultative Committee, has developed into a viable and effective regional organization for economic, scientific and technical cooperation in marine affairs of the Indian Ocean. In this connection, the adoption of the Arusha Agreement on Indian Ocean Marine Affairs Cooperation in 1992 was a significant step.

Cooperation in marine affairs among Indian Ocean States, together with the participation of the major maritime users of the Indian Ocean, has made considerable progress. A technical workshop on marine sciences in the Indian Ocean was held in Colombo in October 1992 with very substantive contributions by a number of major maritime users, especially the United States of America.

The work of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, under the chairmanship of Ambassador Jesus of Cape Verde, is approaching its final phase. The Preparatory Commission must be commended, and much appreciation

(Mr. Kalpagé, Sri Lanka)

recorded, for all it has been able to achieve amidst the uncertainties affecting the provisions of the Convention on the matter of deep seabed mining.

The reports prepared by the Secretariat are of a quality that deserves special commendation. I should like to thank the Legal Counsel, Mr. Fleischhauer, as well as the Director of the Division for Ocean Affairs and the Law of the Sea, Mr. Jean-Pierre Levy, and his colleagues for the excellence of these reports.

The report of the Secretary-General (A/47/512) on progress made in the implementation of the Convention is a scholarly essay on a very difficult matter. It provides a clear and precise statement of many elaborate and complex provisions of the Convention.

The comprehensive report of the Secretary-General (A/47/623) provides us with an overview of what has transpired, and is of interest in the context of the law of the sea and ocean affairs - a wide, many-faceted and rapidly developing field.

These reports will be of much assistance to Governments. They fulfil an important function of the Secretariat - keeping States Members of the Organization adequately informed. Most Member States have very limited information-gathering and information-processing facilities of their own in such specialized fields as the law of the sea and ocean affairs. And yet they need to be fully briefed if they are to participate adequately in the work of the United Nations.

It is with great pleasure that Sri Lanka has cosponsored the draft resolution submitted to the General Assembly in document A/47/L.28. We hope that all delegations will be able to support the draft resolution and continue to work to secure universal participation in the Convention.

Mr. de ARAUJO CASTRO (Brazil): Exactly 10 years ago the international community adopted the United Nations Convention on the Law of the Sea. The Convention established, as a result of very careful, painstaking negotiations, a set of legal norms and principles governing all forms of human activities in areas covering more than two-thirds of our planet.

I cannot fail to join those who have saluted the presence here today of Professor Arvid Pardo of Malta, whose historic speech in the General Assembly a quarter century ago is credited with launching the negotiating process which concluded in Montego Bay with the opening for signature of the Convention.

The thoughtful report presented by the Secretary-General aptly refers to the

"unique working method"

of the United Nations Conference on the Law of the Sea, as a result of which

> "the discussions were inevitably prolonged, but the texts which finally resulted had the valuable quality of being negotiated texts, which took due account of the legitimate concerns and interests of different States." (A/47/512, para. 9)

This is a point that has been noted by the International Court of Justice in two separate cases.

(Mr. de Araujo Castro, Brazil)

Fifty-three of the required 60 States have so far ratified or acceded to the Convention, which indicates that the comprehensive legal regime established by the Convention may soon enter into force. While we warmly welcome this trend, we cannot fail to be seriously concerned at the fact that practically all developed States - as well as a large number of developing States - have still not taken the decision to ratify or adhere to the Convention.

We believe, in fact, that the most important issue that the international community has to deal with today in the area of the law of the sea lies precisely in the promotion of universal participation in the 1982 Convention. The participation of all States, large and small, developed and developing, coastal and land-locked, will make possible the achievement of the main objective of the Convention: the establishment of a just and equitable set of international norms governing human activities in the whole of ocean space.

Although the Convention has not yet entered into force, many Governments and international organizations have taken practical measures to implement its provisions. As the Secretary-General points out in his report:

> "That process is generating patterns of consistent State practice which, in turn, is forming rules of customary international law, as well as influencing the work of international organizations and the decisions of international tribunals." (A/47/512, para. 8)

He also states that the Conference and the Convention

> "have generated a considerable amount of practice and activities in various areas of the law of the sea in the past two decades and ... there has been a striking degree of convergence of practice towards

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accepting the concepts, principles and basic provisions embodied in the Convention". (ibid., para. 81)

The Secretary-General concludes:

"it is clear that the Convention, even before its entry into force, has already played a significant role in maintaining international stability and promoting peaceful relations among States, particularly as they relate to the uses of the seas and oceans." (ibid., para. 86)

The Convention is alive and well. The very fact that the Preparatory Commission, under the skilful and dedicated chairmanship of Ambassador José Luis Jesus of Cape Verde, is promoting far-reaching understandings concerning the management of the area and its resources, demonstrates the vitality of the 1982 Convention. This year delegations participating in the two sessions of the Commission discussed specific issues, such as, among others, accounting principles and procedures and labour, health and safety standards.

Almost 10 years after the Convention was opened for signature, the convening in Rio de Janeiro of the United Nations Conference on Environment and Development (UNCED) demonstrated the will of all countries to act once again as partners in a major enterprise of interest to the whole international community.

The Minister of External Relations of Brazil, Senator Fernando Henrique Cardoso, stated in the debate in the General Assembly last month on the report of the Rio Conference that:

"We believe that solid ground has been carefully prepared for a new, fruitful era of international cooperation based on

(Mr. de Araujo Castro, Brazil)

democratically negotiated commitments and on principles of international law." (A/47/PV.52, p. 42)

The 1982 Convention and the results of UNCED could be viewed as closely related. In fact, chapter 17 of Agenda 21, adopted in Rio last June, refers to the provisions of the Convention which define rights and obligations of States and provide the international basis upon which the protection and sustainable development of the marine and coastal environment and its resources shall be pursued.

The negotiations held during this session of the General Assembly on a draft resolution on the convening of an intergovernmental conference on straddling and highly migratory fish stocks, in accordance with chapter 17.49 (c) of Agenda 21, clearly reflected the will of the international community to implement and further develop the basic rules established by the 1982 Convention.

As stated in Agenda 21:

"The work and the results of the conference [on Fisheries] should be fully consistent with the provisions of the United Nations Convention on the Law of the Sea, in particular the rights and obligations of coastal States and States fishing on the high seas". (A/CONF.151/26 (vol. II), chap. 17.49 (e))

These developments indicate that the Convention is in fact a carefully constructed and drafted comprehensive international legal regime whose intricate balance and unified character must be preserved.

As the interim period draws to a close and as we approach the entry into force of the Convention, the question of its universality acquires special significance.

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Since June 1990 the Secretary-General, in a timely effort to achieve universal participation in the Convention, has been conducting informal consultations in order to identify and seek to deal with the issues which have hitherto inhibited certain States from ratifying or acceding to the Convention. We welcome the decision taken by Secretary-General Boutros Boutros-Ghali to continue the process of consultations. A word of recognition is also due Mr. Carl August Fleischhauer and Mr. Jean-Pierre Levy for the role they have played in this process. We welcome the decision to widen the participation of Member States in these consultations in order to enable all interested States to take part in them, an idea which my delegation supported in our debate last year. Brazil intends to continue to take part in this dialogue in a very open and constructive spirit and on the understanding that all delegations that are participating in the exercise accept the fundamental principles underlying the Convention, in particular the principle that the area and its resources are the common heritage of mankind.

Brazil is co-sponsoring the draft resolution before the Assembly. The text contained in document A/47/L.28 reflects the efforts made at the forty-sixth session of the General Assembly by the group of sponsors to take into account the interests of certain delegations which have expressed difficulties with the texts of the resolutions on the law of the sea adopted annually by the General Assembly.

Under the draft resolution the Assembly would recognize that recent political and economic changes underscore the need to re-evaluate certain aspects of the international seabed regime and that a productive dialogue on these issues would facilitate the prospect of universal participation in the Convention, for the benefit of mankind as a whole. It would also

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call upon all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date in order to permit the effective entry into force of the new legal regime for the uses of the sea and its resources.

Brazil hopes to see in the course of the coming year a renewed process of reflection on issues related to the Convention. We hope to see a more focused, a more productive, a more decision-oriented dialogue on these issues. It is also our hope that by the time we return to this item at the 1993 session of the General Assembly the progress achieved will in fact permit all delegations to agree to the approval by consensus of a draft resolution that will be a turning-point in the process of consideration of this subject.

On 10 December 1982 the international community witnessed in Montego Bay a major step forward in the history of the United Nations, when practically all nations agreed, in a constructive spirit, on a broad array of interrelated provisions related to the uses of ocean space, including the establishment of an international seabed regime based on the principle of the common heritage of mankind. The Convention is indeed a unique model of international cooperation.

The international community is in possession of a carefully crafted, balanced and comprehensive legal instrument that defines a regime and guidelines designed to shape human activities in ocean space for a long period of time. We should focus our endeavours on broadening the acceptance of the Convention, thereby bringing to reality what the representatives of our countries to the United Nations Conference on the Law of the Sea spent years negotiating, paragraph by paragraph, article by article.

(Mr. de Araujo Castro, Brazil)

Let us hope that the current trend towards enhanced international understanding and cooperation will inspire us in the common endeavour of bringing about, sooner rather than later, the desired universal participation in the United Nations Convention on the Law of the Sea.

Mr. NANDAN (Fiji): My delegation is one of the sponsors of the draft resolution on the law of the sea before the General Assembly in document A/47/L.28. We wish to commend it to all members of the Assembly.

This year marks the tenth year since the United Nations Convention on the Law of the Sea was adopted, on 30 April 1982 in New York - coincidentally, in this very room - and today is the tenth anniversary of the opening of the Convention for signature at Montego Bay, Jamaica.

The 10 years that have elapsed have been eventful. It has been a period of consolidation in State practice of the new regime for the oceans which subsumed, in a broad package, many elements of the traditional law of the sea while introducing many new concepts in international law. The result has been revolutionary. The Convention has had a profound political, economic and legal effect. It has dramatically changed the political geography of the world and has created a new balance in the use of the oceans and their resources.

When the Convention was opened for signature at Montego Bay, it was hailed as the most significant achievement of the international community since the Charter of the United Nations. Ten years later, it can be said that the Convention has been a remarkable success and that the importance attributed to it in 1982 was well justified. It has become the dominant influence on the conduct of States in marine-related matters. It is now the primary source and pre-eminent authority for modern international law of the sea. Its strength lies in the fact that it responds to the scientific and technological developments of modern times and addresses in a fair and balanced manner the interests and aspirations of all members of the

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present-day international community. Indeed, the Convention is a model for dealing with other issues of global concern that require broad agreement among States.

The procedure for decision-making at the Third United Nations Conference on the Law of the Sea, which required that every effort be made to reach consensus on all substantive issues before voting, ensured that the provisions of the Convention, especially those on the most important issues, enjoyed broad support. This has been largely responsible for the rapid acceptance of those provisions in national practice and legislation. As a consequence, there exists a remarkable degree of consistency and uniformity in State practice today. The successive annual reports of the Secretary-General to the General Assembly since 1983 and the special 10-year report this year demonstrate the steady progress that has been made in implementing the Convention. These excellent reports provide a source of information for States and other users. The Secretariat members responsible for collecting the information year after year and analysing trends and developments concerning the law of the sea deserve special praise.

The far-reaching impact of the Convention can also be seen in bilateral agreements; in subregional, regional and global cooperation arrangements on maritime issues; in the mandates and activities of global and regional intergovernmental organizations; and in the decisions and opinions of the International Court of Justice, arbitral tribunals and other forums for the settlement of disputes. The stability that the 1982 Convention has brought to the law of the sea represents a great advance over the uncertainty and chaos that characterized the period following the Second World War, a period during which there were many disputes over resource jurisdiction and navigational

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rights, resulting in the stopping of vessels, innumerable diplomatic protests, confrontations and open conflicts.

However, the achievements of the 1982 Convention have yet to be consolidated through a widely ratified treaty. This is a matter that States must now seriously address, since the entry into force of the Convention is imminent and the potential exists for only a minority of States assuming their obligations under the Convention, while a substantial majority - from both developed and developing States - remain outside it. Such a division would be destabilizing and take us back to the uncertainty and unpredictability that the Third United Nations Conference on the Law of the Sea was meant to remove.

On the occasion of the tenth anniversary of the Convention, my delegation recalls with much appreciation the invaluable contributions of the many outstanding individuals who participated in the Third United Nations Conference on the Law of the Sea. They came from all parts of the world: from Africa, Asia, East Europe, Latin America, and from West European and other States. In this regard, we would like to recognize the presence of Ambassador Arvid Pardo at this commemorative meeting. His signal contribution, which led to the convening of the Conference, is legendary. We also recall with gratitude the very able and wise leadership provided by the two Presidents of the Conference, the late Ambassador Hamilton Shirley Amerasinghe of Sri Lanka and his successor, Ambassador Tommy T. B. Koh of Singapore. Without the collective effort of all these distinguished jurists and diplomats, this historic Convention could not have been concluded and the level of consensus that it enjoys could never have been achieved.

We also wish to pay a special tribute to two outstanding members of the secretariat of the Conference for their immeasurable contributions and

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unceasing efforts behind the scenes: the late Constantine A. Stavropoulas, former Under-Secretary-General and Legal Counsel, who served as the Special Representative of the Secretary-General for the Law of the Sea in the Seabed Committee and during the early part of the Conference; and the late Bernardo Zuleta, former Under-Secretary-General, who served as Special Representative of the Secretary-General for the remainder of the Conference and until 1983. Appreciation is also due to the dedicated Secretariat for its contributions to the Seabed Committee, the Conference and, more recently, the Preparatory Commission. In addition, their untiring efforts in the past decade have contributed much to the acceptance and widespread application of the Convention by States and international organizations.

Fiji was the first State to ratify the Convention. Consistent with its commitment, my country has already adopted the applicable provisions of the Convention in its national legislation. Thus, through the Marine Spaces Act, we have given effect to the provisions relating to archipelagic States, the territorial sea and the exclusive economic zone together with the relevant regimes related to international navigation, marine scientific research and the protection and preservation of the marine environment.

My Government continues to attach great importance to oceans and their resources. We look upon the sea as an important economic resource. It is a vital source of sustenance for our people and an indispensable medium for commerce and communication among our 300 islands. More importantly, we see the sea as uniting our widely dispersed islands into one nation. The "archipelagic State" concept in the Convention, which recognizes the unity of groups of oceanic islands, is for us a matter of practical political necessity.

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In the South Pacific the Convention has become a cornerstone for regional and subregional cooperation. This cooperation is well-established at the political and functional levels. The Heads of Government of the South Pacific meet as the South Pacific Forum for discussion and decision on issues of common concern, including those relating to the oceans. At the functional level we have established a number of organizations: the Forum Fisheries Agency, for the cooperation, coordination and harmonization of regional fisheries policy; the Commission for the Coordination of Marine Geoscience in the South Pacific, which conducts joint scientific research in the region with respect to non-living resources; and the South Pacific Commission, which undertakes scientific research with respect to marine living resources. In addition, issues relating to the marine environment are coordinated through the South Pacific Regional Environment Programme. Thus, the regional cooperation envisaged in the Convention is fairly well developed in the South Pacific. There is, however, a continuing need for support of these regional endeavours from the United Nations, its specialized agencies and bodies.

The Convention is a dynamic instrument. It envisages further development of the law of the sea within the framework that it provides. In its 17 parts and 9 annexes it establishes principles on the rights and duties of States and requires States to cooperate in establishing further rules for their implementation. It is in this light that my delegation sees the proposed conference on straddling and highly migratory fish stocks. We look forward to participating in that conference and hope that the problems arising from the increased pressure on high-seas fisheries since the Convention was adopted may be resolved in a manner satisfactory to both coastal States and distant-water fishing States.

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The draft resolution before the Assembly once again urges States to make renewed efforts to facilitate universal participation in the Convention. This is an appeal to all States to work to consolidate the achievements of the Convention through a widely ratified treaty.

It is well known that, except for certain provisions in the deep seabed mining regime, the Convention enjoys broad support throughout the international community. The seabed mining regime is only a small part of a much larger treaty. It is unfortunate that the problems with that part have unfairly distracted from the significant overall achievements of the Convention. However, it has to be recognized that widespread ratification cannot be achieved unless the differences over the deep seabed mining provisions are satisfactorily resolved for all States. Nor can the work of the Preparatory Commission be successfully concluded without resolving these outstanding issues.

Recognizing this, in 1989 the former Secretary-General, Mr. Javier Perez de Cuellar, initiated consultations on the means to remove the obstacles to ratification or accession for a significant number of States that had difficulties with the regime for deep seabed mining. My delegation is pleased that those important consultations are continuing under the present Secretary-General. We strongly support this effort to achieve universal participation in the Convention and urge all States, especially those that did not sign the Convention because they had problems with the deep seabed mining provisions, to commit themselves more positively to the efforts being made to resolve those problems.

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The atmosphere of cooperation in international affairs and the change in the attitude of States on economic matters in favour of more practical and market-oriented solutions provide an opportune time for resolving the differences over the deep seabed mining regime. The ideas that have emerged in the Secretary-General's consultations clearly reflect a movement in this direction. The dialogue so far has been characterized by the willingness of States from all regions to work constructively towards removing the obstacles to universal participation in the Convention. Given the substantial progress already made, my delegation shares the optimism over a successful outcome. We are convinced that with a concerted effort by States an agreement satisfactory to everyone can be concluded before the entry into force of the Convention.

Those who believe that they can rely on customary international law must also recognize that this can only work if there is uniform and consistent determination and interpretation of customary international law by each of almost 200 States. We already see that, while the main principles in the Convention are generally accepted, difficulties have arisen with respect to their application in practice. Many of these have been subject to protests and, in some cases, have led to minor incidents. If this continues it may over time upset the balance reached in the Convention and return us to the chaos of the past. States must therefore realize that it is in their long-term interest to make the Convention a universal instrument. Non-participation by major Powers, in particular, will act as a disincentive for others, to the detriment of all.

On the other hand, a widely ratified Convention will provide certainty and stability in the law of the sea and promote the rule of law in international affairs. It would entail express formal acceptance by most, if

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not all, States of the same, reasonably determinate norms coupled with third-party arbitration or adjudication of disputes regarding the application and interpretation of those norms.

As the first State to ratify the Convention Fiji expresses the hope that when the Convention enters into force it will do so with the widest possible participation.

We continue to subscribe to the view contained in the first preambular paragraph of the Convention that the Convention is an important contribution to the maintenance of peace, justice and progress for all peoples of the world.

Mr. FREUDENSCHUSS (Austria): First of all, I wish to express our sincere gratitude to the Legal Counsel, Under-Secretary-General Carl-August Fleischhauer, and his staff. The documentation before us impresses, as usual, by its thoroughness. This substantive and substantial documentation not only constitutes a necessary source of comprehensive information but also a highly valuable contribution to the ongoing discussion.

We should also like to commend the Secretariat for advising and assisting States, at their request, in connection with the implementation of the Convention, as well as for compiling and regularly publishing all relevant national and international legislation.

Austria notes with concern that acts of national legislation do not always conform to the Convention. This may upset the delicate balance established by the Convention's provisions that formed the basis for its acceptance by the landlocked and geographically disadvantaged States. It should be noted, in particular, that the rights of the land-locked and geographically disadvantaged States enshrined in the Convention are not always fully reflected in national legislative acts.

(Mr. Freudenschuss, Austria)

Furthermore, we view as a matter of concern that States are often tempted to rely only on those parts of the Convention that suit their interests. In the view of the Austrian delegation such practice may disturb the equilibrium between conflicting interests of various States achieved by the Convention and in the long run endanger its effectiveness

The United Nations Convention on the Law of the Sea is certainly the most extensive and ambitious project of codification and progressive development of international law ever attempted by the United Nations. It is undoubtedly an important contribution to the maintenance of peace, justice and progress in many areas. It attempts to create an all-encompassing legal regime for approximately 70 per cent of the Earth's surface. It governs all maritime uses, trying to satisfy the often conflicting interests of land-locked and coastal States and of industrial and developing countries. Its tenth anniversary in 1992 provides an occasion for looking back as well as ahead.

During the past 10 years the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea has resolved a number of difficult issues. In this context I should like to refer to the great efforts that have been made to resolve the problems relating to pioneer investors. The Preparatory Commission has already been able to register six pioneer investors and to conclude the negotiations on the fulfilment of obligations with them. This proves the problem-solving capacities of the Preparatory Commission regarding the implementation of resolution II of the Third United Nations Conference on the Law of the Sea.

(Mr. Freudenschuss, Austria)

While the Preparatory Commission has proved to be successful in many instances, Austria believes that it would be unrealistic to expect it to be in a position to formulate recommendations on all aspects of the deep seabed mining regime. Taking into account the delays in deep seabed mining and the uncertainty of the conditions that may prevail at the time when the exploitation phase of deep seabed mining begins, it would be neither necessary nor prudent at this stage to try to find final solutions which, owing to political and economic changes and the rapid development of science and technology, may well be outdated by the time the exploitation of the deep seabed commences.

My delegation therefore welcomes and supports the intention to conclude, for the time being, consideration of the issues being dealt with in the Special Commissions of the Preparatory Commission. We expect that the discussion of their reports can be concluded at the next session, in Kingston. The question of future meetings of the Preparatory Commission should be decided by the practical tasks that might have to be addressed.

In this context I should like to thank the Chairman of the Commission, Ambassador Jesus, for his outstanding contributions to its work. His unrelenting and energetic efforts deserve particular praise. I wish to assure him of the continued and wholehearted support of the Austrian delegation in carrying out his difficult task.

Since the very beginning of the endeavour to draw up a new convention on the law of the sea, Austria has cherished the principle of the common heritage of mankind. The question which arises today is how best to administer that common heritage so that it will truly benefit mankind as a whole. We have also consistently taken the position that all possibilities should be explored

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for ensuring universal participation in the Convention. A convention not ratified by the major industrialized countries would remain ineffective and could not meet the aspirations - which originally inspired its formulation - to form a just and equitable legal basis for the use of the seas by all the members of the international community for the benefit of mankind.

Ten years have passed since the adoption of the United Nations Convention on the Law of the Sea. During these years the international order has undergone tremendous changes. The contest between two political and economic systems has given way to dialogue and a growing awareness of the crucial importance of market mechanisms.

These political and economic changes have influenced the ongoing efforts to arrive at a universally acceptable regime to be applied to the Area and its resources. These efforts will be fruitful only if we create the conditions for an effective, market-oriented, economically viable and environmentally sound system and if we secure its acceptance by those States which have advanced technical and financial capabilites for carrying out activities relating to the exploration for, and exploitation of, the resources of the Area. We shall therefore have to consider ways and means of re-evaluating the regime to be applied to the Area and its resources in a pragmatic and flexible manner, taking into account the changes in political and economic circumstances since these provisions were drafted.

Since 1990 the Secretary-General has convened several rounds of consultations aimed at addressing issues of concern to some States in order to achieve universal participation in the Convention. We should like to thank the Secretary-General and Mr. Fleischhauer for their ongoing efforts, which have proved to be very helpful in assessing the main obstacles to universal participation in the Convention. On the basis of the findings of these

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consultations, it should be possible for a universal forum to address the issues that have been identified and, in a spirit of compromise and based on the principle of consensus, to try to find a way to a universally acceptable regime for the Area and its resources.

Austria welcomes the present draft resolution on the law of the sea as a further step in the ongoing efforts to reach an effective and universal legal order for the seas. We sincerely hope that 1993 will be the year of renewed dialogue on the outstanding issues, paving the way for a universally accepted Convention. Austria is prepared to take part in any endeavour aimed at achieving this noble goal.

Mr. JACOVIDES (Cyprus): It is a source of special satisfaction to my delegation, and to me personally, to participate in the debate on the law of the sea on this, the tenth anniversary of the adoption of the Convention on the Law of the Sea in Montego Bay in December 1982. Addressing the final session of the Third United Nations Conference on the Law of the Sea on 8 December 1982 on behalf of the Republic of Cyprus, I said that

> "This historic session marks the culmination of what has been rightly described as the most significant multilateral law-making undertaking since the drafting of the Charter of the United Nations.
>
> "Cyprus, an island State located in the Mediterranean Sea between three continents - Europe, Asia and Africa - is vitally concerned with the legal regulation of the uses of the sea in a just and orderly manner, ensuring fairness and predictability." (Third United Nations Conference on the Law of the Sea, Verbatim Records, 189th meeting, paras. 61 and 62)

We held that view then and we hold it now.

(Mr. Jacovides, Cyprus)

Cyprus was among the first countries to sign, at Montego Bay, both the Final Act and the Convention itself, and we ratified the Convention without delay. In evaluating the Convention on the Law of the Sea, our perspective of the past 10 years does not differ from that expressed at the Montego Bay final session after several years of hard work. Like most other delegations, we cannot say that we are fully satisfied with each and every provision of the Convention. Undoubtedly, there exist imperfections and shortcomings. One can detect ambiguities where there should have been clarity, complexities where there could have been streamlining and exceptions where there should have been a general rule. But we fully realize now, as we did then, that this is the price that had to be paid in working out a complicated and ambitious undertaking through compromises necessitated by the objective of reaching an overall agreement by consensus.

The old saying that "politics is the art of the possible" is equally applicable to multilateral law-making within the United Nations. By definition, order is preferable to chaos and anarchy, and there was in 1982, as there is now, a dire need for international legal order. The Convention on the Law of the Sea is a veritable constitution for the seas and oceans and, in such an imperfect world as ours still is, goes a long way towards meeting this need. On balance, it is a monumental achievement, and it deserved then, as it does now, the support of the international community.

(Mr. Jacovides, Cyprus)

Today, 10 years later, the Convention has received 52 of the 60 ratifications required to enter into force. Much work has been creditably done in the Preparatory Commission, and our appreciation is due all those who carried it out, particularly the Commission's Chairman, Ambassador Jesus of Cape Verde. It may well be that the Convention will soon obtain the necessary ratifications to bring it into force. Our view and preference is that all possibilities should continue to be explored, as they have been in recent years, with the valuable participation of the Secretariat, including the Legal Counsel, Mr. Fleischhauer, in order to secure universal participation in the Convention.

(Mr. Jacovides, Cyprus)

For my part, having served in the meanwhile as my country's ambassador to the capitals of two major countries which have not yet found it possible to accede to the Convention, I can say that there exists considerable good will among right-thinking persons in official and unofficial positions with respect to becoming parties. Every legitimate encouragement should be given in that direction - but always within the appropriate limits of principle and fairness.

But even short of the Convention entering into force, it is gratifying to note from the excellent report of the Secretary-General on progress made in the implementation of the comprehensive legal regime embodied in the United Nations Convention on the Law of the Sea that the Convention has

> "generated a considerable amount of practice and activities in various areas of the law of the sea in the past two decades and that there has been a striking degree of convergence of practice towards accepting the concepts, principles and basic provisions embodied in the Convention". (A/47/512, para. 81)

and that

> "the Convention has contributed significantly towards a general trend of harmonization of State practice in conformity with the new legal regime". (ibid., para. 86)

Gratifying and significant though this development is, it is no substitute for the Convention's entering into force with as near universal participation as possible, and as soon as possible. One additional reason for this is that the dispute-settlement system of the Convention, and more particularly the Law of the Sea Tribunal - an excellent location for which has

(Mr. Jacovides, Cyprus)

been set aside in Hamburg waiting for its establishment - cannot yet be applied, even though several such disputes, particularly on the sensitive area of the delimitation of zones of maritime jurisdiction, have been dealt with by the International Court of Justice and through ad hoc arbitration procedures, as is indeed envisaged in the Convention.

It is not my intention to examine the degree of acceptance of the provisions of the Convention under each part of the Convention, since this is done very correctly in the Secretary-General's report, to which I referred earlier. I shall only note with satisfaction that to a great extent the provisions of the Convention now clearly reflect customary international law.

As we read in the Secretary-General's report such examples as article 121, on the regime of islands, are indicative. This quite correctly recognizes that islands generate maritime sovereignty and jurisdiction for all purposes in the same way as mainland territory; this has been reaffirmed by subsequent practice.

Another case in point is article 3 of the Convention, on the territorial sea, whereby a predominant number of coastal States have delimited their territorial sea up to 12 miles. Indeed, of the 143 coastal States claiming a territorial sea, 126 have established a zone of up to 12 miles; this has become the norm in international law. It is our view that it is inconsistent with international law to purport to establish a territorial sea beyond the 12-mile limit, and we therefore cannot recognize any such claim.

The same applies to article 33 of the Convention, on the contiguous zone, which provides for a contiguous zone extending to a maximum limit of

(Mr. Jacovides, Cyprus)

24 miles. We note from the report that national legislation on this zone is generally in conformity with the provisions of the 1982 Convention. We ascribe importance to the contiguous zone, first in regard with the combating of traffic in narcotic drugs and, secondly, concerning archaeological and historical objects found between the 12- and 24-mile limits.

Similarly, my delegation is satisfied with the cooperation that has taken place among States bordering enclosed and semi-enclosed seas, as provided for under Part IX of the Convention. It has been our consistent position that the States bordering such seas should cooperate with each other in the exercise of their rights and in the performance of their duties under the Convention in such matters as combating pollution, protecting fisheries and scientific research. In that connection, Cyprus, as an island State in the Mediterranean Sea, has signed and ratified a number of international and regional treaties and conventions relating to these matters, particularly in the area of combating pollution.

In this regard I would like finally to stress that under articles 74 and 83 of the Convention, on the delimitation of maritime boundaries between States opposite or adjacent to each other, there should be an equitable solution, including with respect to the median line, by agreement on the basis of international law, as has been illustrated in several cases before and since 1982.

Let me say that my delegation fully supports all the elements set out in draft resolution A/47/L.28 and will not only support but will also join in sponsoring it.

(Mr. Jacovides, Cyprus)

Finally, my delegation wishes to put on record its appreciation for the high quality of the Secretary-General's report in document A/47/623. Regrettably, even though it is dated 24 November 1992, it was distributed only yesterday. Consequently it has not been practical to comment on it in any detail in my statement, as it deserves.

Let me also say how pleased we were to hear Mr. Pardo's statement. We benefited from his wise words today as we did back in 1967.

Mr. HICKS (United States of America): I am grateful for this opportunity to join in the tribute to the 1982 United Nations Convention on the Law of the Sea, whose tenth anniversary we are commemorating today. The United States welcomes the remarkable degree of conformity that document has engendered and the stability and security it has brought to the entire world.

Many things have happened since the adoption of the Final Act at Montego Bay in 1982. Major political and economic changes have occurred around the globe and the nuclear threat has been greatly reduced. As we enter an era of greater freedom and democracy, the attention paid by the international community to issues of economic security will continue to increase.

The freedom of the seas will play an important role in this new era. The stability and security afforded by international law, as reflected in the Convention's provisions on traditional ocean uses, will be an essential element in the expansion of trade and economic development.

The Convention both codifies pre-existing customary international law and has contributed to the acceptance of many of its provisions as customary international law. My country and the international community as a whole benefit greatly from its existence.

(Mr. Hicks, United States)

There is another area, too, where the law of the sea Convention has had a profound influence. That was in the recent United Nations Conference on Environment and Development, concluded earlier this year. In Agenda 21, the largest section was the section on oceans. The Governments represented at the Conference acknowledged the monumental achievement of the law of the sea Convention. I believe it would be helpful to quote from chapter 17 of Agenda 21:

"The marine environment - including the oceans and all seas and adjacent coastal areas - forms an integrated whole that is an essential component of the global life-support system and a positive asset that presents opportunities for sustainable development. International law, as reflected in the provisions of the United Nations Convention on the Law of the Sea referred to in this chapter of Agenda 21, sets forth rights and obligations of States and provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal enviromnent and its resources".

(A/CONF.151/26 (Vol. II), para. 17.1)

(Mr. Hicks, United States)

As we go forward towards the end of this century, we shall continue to address issues such as marine environmental protection, navigation, marine scientific research and fisheries. The 1982 United Nations Convention on the Law of the Sea provides the framework for these discussions.

Notwithstanding the general success of the Convention, consensus on the issue of deep seabed mining has eluded the international community. This is unfortunate, because the United States continues to support the objective of a universally acceptable Convention, and the lack of consensus on the issue of deep seabed mining has been the primary obstacle to the achievement of that objective.

It is well known that my Government, along with others, has fundamental objections to the seabed-mining provisions of the Convention. Therefore, as we have noted in the past, we welcome the acknowledgement in the draft resolution that political and economic changes - in particular, growing reliance on market principles - underscore the need to re-evaluate matters in the seabed-mining regime, in the light of the issues which are of concern to some States.

The draft resolution also welcomes and encourages the informal efforts of the Secretary-General to facilitate a dialogue on these issues. We have participated in those discussions with the objective of assessing the prospects for fundamental market-oriented reform. It remains to be seen whether the consultations will succeed in demonstrating a sincere commitment to a seabed-mining regime that provides a stable investment climate through reliance on market principles. However, it is my Government's hope that a way to achieve such a transformation can be found.

As we did last year, we shall abstain in the vote on the draft resolution because we wish to disassociate ourselves from its support for the activities

(Mr. Hicks, United States)

of the Preparatory Commission in preparing for the entry into force of a seabed-mining regime that is seriously flawed and from the unqualified calls for early entry into force of the Convention.

Allow me, in conclusion, to express my Government's appreciation of the efforts of Secretary-General Boutros-Ghali and Legal Counsel Fleischhauer and their staff in the critical area of advancing the international law of the oceans. We also commend the report of the Secretary-General on the progress made in the implementation of the comprehensive legal regime embodied in the United Nations Convention on the Law of the Sea.

Mr. TSEPOV (Russian Federation) (interpretation from Russian): It is 10 years since the United Nations Convention on the Law of the Sea was opened for signature. This round figure seems to provide a very fitting reason for pondering the fate of the Convention, which has not yet entered into force, and the state of affairs regarding the law of the sea as a whole.

The Convention on the Law of the Sea is in many ways a unique document, which essentially codifies an entire sector of international public law. Precisely such a universal, global and comprehensive agreement is needed to ensure legal regulation of various types of economic, scientific and other human activities at sea and to lay down the legal foundation for the solution of problems arising in connection with such activities.

Even though not yet functioning as a formal agreement, the Convention has already become an inseparable part of the life of the international community. The Secretary-General's report attests to its diverse influence on the current practice of States. However, we must note that there is also an increasingly marked tendency towards increased coordination of the activities of States at the regional and subregional levels. This reinforces the positive processes at the global level.

(Mr. Tsepov, Russian Federation)

We believe that new institutions, such as the Council of the Baltic States, can in the long term raise to a qualitatively new level the cooperation between States with regard to the most important aspects of navigation and the use of marine resources, particularly in respect of the preservation of the natural environment.

The general improvement in the international situation has, to a great extent, removed the ideological barriers to regional cooperation and is making it possible to give greater attention to such specific problems as piracy and illicit drug trafficking at sea. Unfortunately, the efforts being made by coastal States individually to halt and to prevent acts of piracy and armed robbery are not yet yielding the desired results. Here, we feel, joint action by coastal States could help to implement the relevant provisions of the Convention. Accordingly, we welcome the determination to ensure safe navigation in the Malacca and Singapore Straits expressed by the States of that region. The necessary cooperation in combating illicit drug trafficking at sea could be strengthened in a similar manner. The basis for this too is laid down in the Convention.

The Russian delegation shares the view that we need to think about new technical norms and rules that would make it possible to react more promptly and more flexibly to presumed violations of international law in these areas and could supplement and develop the relevant provisions of the Convention. This is also the conclusion suggested by the question of passage through the Great Belt. We feel that the method being used to settle that problem cannot be regarded as entirely satisfactory, since it concerns something more than merely harmonizing the interests of two States. The solutions to such problems should take into account the widest possible range of circumstances.

(Mr. Tsepov, Russian Federation)

It seems desirable to intensify the activities of the International Maritime Organization because, for example, the necessary formulation of appropriate international rules, standards and procedures detailing the legal regime of straits with respect to situations of this kind, as in other areas, could have great political significance.

The 1982 Convention has not yet entered into force. This fact in itself testifies to the serious doubts of a significant number of States about the adequacy of some of its provisions - mainly those relating to the problem of the exploitation of mineral resources at deep-water sites in the international seabed area. In this situation it is important to prevent the creation of a regime which a significant number of States would not recognize, as that might render worthless the efforts made by the international community in drafting the Convention and could increase the number of inter-State clashes on questions relating to the use of the sea.

The Russian delegation is in favour of the Convention's entry into force on a universal basis. We call upon all States to observe its provisions strictly until that happens, and we regard as inadmissible any arbitrary actions in respect of maritime spaces and resources.

Our delegation notes with satisfaction that a measure of consensus seems to have been reached with regard to the need for universalization of the Convention. In this connection, the delegation of the Russian Federation greatly appreciates the efforts of the Secretary-General, under whose auspices informal consultations on Part XI of the Convention are being held. We believe that, under the existing system of relations in the area of maritime law, those consultations are an appropriate forum for the search for solutions acceptable to all.

(Mr. Tsepov, Russian Federation)

The consultations have shown the readiness of various groups of States to take account of each other's interests and have made it possible to determine ways of settling certain controversial questions. Our delegation has repeatedly called for an intensification of international cooperation in order to settle outstanding problems, since this period before the Convention enters into force can prove to be decisive. In our view, the negotiation process must be vigorously accelerated, since the problems are becoming more acute and if the negotiations progress only at the present rate, we shall evidently have to wait a long time for practical results. It seems to us that the consultations must lead to a compromise on the basis of which a concrete draft agreement can be developed. Obviously we shall also have to think about various ways of consolidating the understandings reached.

In conclusion, I wish to express our hopes for a speedy realization of the optimistic scenario for adapting the United Nations Convention on the Law of the Sea to the new political and economic realities. Russia, as a major maritime Power and as the successor State to the former Soviet Union, is interested in ensuring law and order on the seas through an effective and universal international treaty.

Mr. RATTRAY (Jamaica): It is a singular honour and privilege for me to speak today on behalf of the delegation of Jamaica as we mark the tenth anniversary of the signature of the United Nations Convention on the Law of the Sea. Understandably there are feelings of nostalgia as I recall the electrifying atmosphere of hope and expectation which characterized the signing ceremony at Montego Bay, Jamaica on 10 December 1982.

Today we meet here to celebrate the tenth anniversary of one of the truly historic events in the history of the United Nations, for when 161 Nations

(Mr. Rattray, Jamaica)

assembled at Montego Bay on 10 December 1982 to adopt the United Nations Convention on the Law of the Sea, it represented in a true sense a rendezvous with history.

Never before had such an ambitious project been undertaken under the auspices of the United Nations. Never before had such a comprehensive effort been made to deal with all aspects of ocean space in a single convention. Never before had an attempt been made to deal comprehensively with the regulation of an area nearly four times the size of the land territory of the globe. Never before had there been such universality of participation in the negotiation of a truly global convention. Never before had an attempt been made to reconcile the widely diversified and often conflicting interests of so many countries, rich and poor, developed and developing, coastal and land-locked, and geographically disadvantaged. Never before had the challenge of a new international economic order been faced not merely by rhetoric but by practical and pragmatic solutions. Never before had there been such extensive experimentation with the strategies of peaceful negotiation in a desperate effort to reject the admissibility of solving the issues of ocean space by conflict or by force.

The Third United Nations Conference on the Law of the Sea represented a high-water mark in the role of the United Nations in finding universal solutions to universal problems. That is why, when they assembled at Montego Bay 10 years ago, the signature of the Convention by 159 States - the largest number of signatories to any Convention - represented a signal triumph for all those who subscribed to the belief that ultimately the rule of right must triumph over the rule of might.

(Mr. Rattray, Jamaica)

The Montego Bay Convention on the Law of the Sea represents a significant contribution to the maintenance of peace, justice and progress for all peoples of the world.

First, the Montego Bay Convention represents a significant contribution in reserving as the common heritage of mankind the Area and its resources beyond the limits of national jurisdiction. This common-heritage Area is not subject to appropriation, is reserved exclusively for peaceful purposes and is to be developed, and the benefits it yields distributed, with special regard to the interests and needs of developing countries.

It is a tribute to the vision of the United Nations that mankind's last frontier in terms of resources should be dedicated to meeting the concerns of the less fortunate in the community of nations. The Montego Bay Convention has firmly entrenched the common-heritage concept as a fundamental and intrinsic part of the legal regime of the law of the sea, and I am proud that the International Seabed Authority will be located in Jamaica.

Secondly, the Montego Bay Convention represents a significant contribution in recognizing the interdependence and indivisibility of ocean space; in recognizing that the problems of ocean space are closely interrelated and need to be considered as a whole; and that selective application of the Convention is inadmissible. The Convention was negotiated and adopted as a package and cannot be selectively applied.

Thirdly, the Montego Bay Convention represents a significant contribution to settling delimitation issues and establishing the boundaries of the territorial sea, the economic zone and the continental shelf.

Fourthly, the Convention represents a significant contribution in providing a comprehensive regime for the protection and preservation of the marine environment.

(Mr. Rattray, Jamaica)

Fifthly, the Convention represents a significant contribution to the promotion and regulation of marine scientific research.

Sixthly, the Convention highlights the importance of the peaceful settlement of disputes by providing for a wide range of choices and the establishment of new institutional machinery by the International Tribunal on the Law of the Sea.

Since the historic occasion at Montego Bay in 1982 the world has not stood still. The Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea has made considerable progress in the discharge of its mandate. Today we celebrate the achievements of the Preparatory Commission in elaborating the rules, regulations and procedures for the Authority and the Tribunal and in preparing for consideration its provisional draft final report. We celebrate the registration of six Pioneer Investors and the designation by the Preparatory Commission of reserved areas for the International Seabed Authority as tangible evidence of the fact that the system ordained by the Convention has begun to work. We celebrate the creative and constructive approach which has enabled the Preparatory Commission to reach understandings on the fulfilment of obligations by the registered Pioneer Investors and their certifying States. All these developments create optimism as to the ability of the international community to find creative solutions for the implementation of the provisions of the Convention as a whole.

As we meet today, 53 of the 60 ratifications required to bring the Convention into force have been deposited. There can be no doubt that the support for the Convention continues to be overwhelming. Our ultimate goal must be to achieve universal participation in a Convention which is designed

(Mr. Rattray, Jamaica)

for mankind as a whole. It is therefore appropriate that all States which have not yet done so should ratify or accede to the Convention as early as possible. As the pace of ratification intensifies, this could serve as a catalyst for deepening the process of universalizing the Convention by addressing creatively the manner in which the provisions are to be implemented on an ongoing, contemporary and evergreen basis.

(Mr. Rattray, Jamaica)

Although the fundamental political, economic and social changes within the international community may have served to change the timetable within which the promises of the Convention were expected to be realized, it is our conviction that these changes have in no way invalidated the fundamental basis of the Convention nor the principles of the common heritage of mankind on which Part XI of the Convention is based. After all, this Convention is not just for one generation, but for all generations.

During the past 10 years the Secretary-General of the United Nations and the United Nations secretariat responsible for law of the sea matters have made a significant contribution in the servicing of the Preparatory Commission and the development of plans and programmes in response to the increased needs of States for assistance in the implementation of the Convention. We congratulate them on their efforts.

In this regard, we must pay a tribute to the Secretary-General for the initiative taken to promote a dialogue aimed at addressing issues of concern to some States in order to achieve universal participation in the Convention. The integrity of the Convention as a whole must be maintained, and our search for universality must recognize the overwhelming support of the Convention by the international community as a whole and the need to preserve its fundamental aspects. Let us therefore, in our noble quest for universality, concentrate on the manner of the implementation of the Convention in those areas of concern to some States.

The tenth anniversary of the Montego Bay Convention on the Law of the Sea is an opportunity not only for celebration but also for recognition.

From 1973 to 1982 an entire generation of representatives of States inspired by the vision of a new world order have dedicated themselves to the ambitious task of negotiating a new comprehensive regime covering all aspects

(Mr. Rattray, Jamaica)

of ocean space. Some of them are not with us today. But our memories are fresh that, despite our many differences, the higher objectives of the Convention that united us were far stronger than the oceans that separated us. This unity was forged in large measure by a Conference leadership constituting a collegium whose contribution we must acknowledge today. Among this illustrious band we recognize the late Ambassador Shirley Hamilton Amerasinghe of Sri Lanka, first President of the Conference; Ambassador Tommy Koh of Singapore, second President of the Conference; Ambassador Paul Bamela Engo of Cameroon, Chairman of the First Committee; Ambassador Andres Aguilar of Venezuela, Chairman of the Second Committee; Ambassador Alexander Yankov of Bulgaria, Chairman of the Third Committee; and Ambassador Allan Beesley of Canada, Chairman of the Drafting Committee.

This statement would be incomplete if we did not pay a tribute to the vision of one man whose contribution made a difference. That man is Ambassador Arvid Pardo of Malta. The walls of these halls still resonate with his clarion call to save the future of the ocean floor and its resources as the common heritage of mankind. The Convention stands as an eloquent testimony to the fact that one man can make a difference. Ambassador Arvid Pardo, we salute you here today.

On behalf of the delegation of Jamaica, I wish to extend our congratulations and appreciation to the Chairman of the Preparatory Commission - yourself, Sir, Ambassador Jesus of Cape Verde - for the outstanding manner in which you have guided the deliberations of the Commission and for your dedication and devotion in carrying out this challenging assignment. We are confident that under your wise leadership the work of the Commission will be brought to a satisfactory conclusion.

(Mr. Rattray, Jamaica)

Finally, it is with great pleasure that Jamaica is one of the sponsors of the draft resolution contained in document A/47/L.28, and we commend it to all delegations.

Mr. CHEN Jian (China) (interpretation from Chinese): Today marks the tenth anniversary of the signing of the United Nations Convention on the Law of the Sea. It was on this date 10 years ago that the Convention on the Law of the Sea was signed in Montego Bay, Jamaica, by the representatives of 117 countries, including China, and entities. The Convention is a significant achievement by the international community and an important testimony to United Nations efforts to codify and develop the international law of the sea. It also demonstrates the results of balancing the interests of all countries in the process of peaceful use and development of ocean resources. It needs to be mentioned, in particular, that the Convention has established a system of international exploration and development of seabed area resources based on the principle of common heritage of mankind. This is an unprecedented system in the history of the development of the law of the sea. The Convention is by far the most comprehensive and encompassing international instrument for ocean management. Although the Convention has its deficiencies, and some of its provisions are not perfect and have shortcomings, it has, nevertheless, reflected the shared aspirations and interests of the overwhelming majority of the countries in the development and use of ocean resources.

A decade has passed, and though 159 countries have signed the Convention and 52 have ratified or acceded to it, the Convention has yet to come into effect and the prerequisite for its entry into force, that is, ratification or accession by 60 countries, is yet to be realized. Owing to certain problems

(Mr. Chen Jian, China)

in Part XI, the countries that have ratified and acceded to the Convention are mostly developing ones. Thus, the universality of the Convention has become an outstanding issue in efforts to defend it. Since the assessment of the future situation made in the process of elaborating the Convention was quite different from the reality today, countries have made new endeavours, from a realistic point of view, to seek ways to achieve universal acceptance of the Convention.

We highly appreciate the Secretary-General's effort promptly to initiate and preside over the informal consultations on Part XI. In order to reach the goal of universal acceptance of the Convention, the former Secretary-General, Mr. Perez de Cuellar, presided over six informal consultations in the first round from 1990 to 1991. Nine outstanding issues were identified, and common understanding was reached on some of them. We are also pleased to note that two informal consultations of the second round have been held under the presidency of the Secretary-General, Mr. Boutros Boutros-Ghali, and some progress has been made. China has all along actively participated in all the informal consultations presided over by the Secretary-General, believing that these consultations constitute bridges towards universal acceptance of the Convention. In our view, while it is desirable to carry out certain necessary revisions in the deep seabed mining part of the Convention in line with the changes that have taken place since the signing of the Convention, it is also essential for all revisions to be based on the principle of common heritage of mankind.

Before the Convention comes into effect, our consultations could concentrate on questions relating to the seabed system, such as decision-making on deep-sea exploration, the Authority's functions and States

(Mr. Chen Jian, China)

Parties' financial obligations, and include the form of agreement to the consultations at an appropriate time. As for other questions concerning deep-water mining and, in particular, some technical and detailed questions, they can be settled after the Convention comes into effect.

Over the past 10 years, since the Seabed Preparatory Commission was established in 1983, the Commission, under the leadership of its Chairman, Mr. José Luis Jesus and of the Chairmen of the four special commissions, a great deal of work has been accomplished in terms of drafting the relevant norms, regulations and procedures. Here we wish to express our thanks to you, Sir, and to your colleagues. It is worth mentioning, in particular, that the flexible and constructive attitude adopted by the Preparatory Commission has made possible the implementation of resolution II and the establishment of the system of pioneer investors. This is indeed a major contribution by the Preparatory Commission.

(Mr. Chen Jian, China)

The fact that the Preparatory Commission still cannot settle all the outstanding questions is a result of the changes in deep-water mining since the conclusion of the Convention. We note that, in accordance with the decision at this year's summer session of the Preparatory Commission, its provisional final report will be reviewed at the Jamaican session next year. We are of the opinion that at next year's meeting arrangements should be made for the future work of the Preparatory Commission. The settlement of the Commission's remaining questions should be coordinated with efforts to ensure the universality of the Convention. The informal consultations presided over by the Secretary-General on part XI of the Convention and the work of the Preparatory Commission should complement each other.

China applied to register pioneer investors in August 1990. After a series of examination procedures, the seabed Preparatory Commission reviewed and approved at its tenth spring session in March 1992 the Understanding on the fulfilment of obligations by the registered pioneer investor, the China Ocean Mineral Resources and Development Association and its certifying State, China. China and its pioneer investor are ready faithfully to fulfil various obligations established in the agreement.

In conclusion, I wish to reiterate that the Chinese delegation is willing, together with other delegations, to make the utmost efforts to achieve the universality of the Convention in the spirit of seeking truth in reality and seeking common ground while preserving differences.

Mr. BATIOUK (Ukraine): As has already been mentioned, this year marks the tenth anniversary of the adoption of the United Nations Convention on the Law of the Sea. The Convention is a result of international understanding and cooperation. It stands out as one of the most notable achievements of the United Nations.

(Mr. Batiouk, Ukraine)

The immense influence that the Convention has already exerted on State practice in the use of oceans and their resources is evidence that it provides a sound framework for international cooperation in this field. We agree with the conclusion in the Secretary-General's report that:

> "there has been a striking degree of convergence of practice towards accepting the concepts, principles and basic provisions embodied in the Convention." (A/47/512, para. 81)

We must add, however, that there is a continuing need to encourage States to apply these principles in their national policy and practice in a more uniform and consistent manner. It is here that the Secretary-General has a special role to play in two respects: on the one hand, in fostering the uniform and consistent application of the Convention by States and international organizations; and, on the other, in assisting States in their quest for a compromise which could adapt the seabed regime to present-day realities and which should make the Convention acceptable to all groups of States without exception.

Momentous political and economic changes have occurred since the Convention was signed 10 years ago. A new environment has emerged in which strategic and political competition is giving way to greater cooperation. Democratic reforms and free-market changes are evident in Eastern Europe and in the newly independent States on the territory of the former Soviet Union. These political and economic changes have influenced the ongoing efforts to arrive at a universally accepted regime to be applied in the international seabed area. The Ukrainian delegation is of the view that these efforts will be fruitful if we try to create an effective system that will be economically viable as well as environmentally sound, and if we secure the acceptance of

(Mr. Batiouk, Ukraine)

this system by States with the advanced technical and financial capabilities for carrying out seabed mining.

The informal consultations of the Secretary-General on outstanding issues relating to the deep-seabed-mining provisions of the Convention are well under way. It is important that we agree on principles that will govern these activities when seabed mining approaches commercial viability. The resolution of these concerns will facilitate universal participation in the Convention. If additional precision is given to the understandings already reached, the entire issue could be satisfactorily resolved before the Convention enters into force.

In the conduct of these consultations as well as in law-of-the-sea matters in general, a special role belongs to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs. The Division provides useful assistance to States to enable their maritime practices to be developed in a manner consistent with the Convention. With the entry into force of the Convention, these activities could become even more important. The assumption of additional responsibilities by the Secretary-General under the Convention will be required. One of these is the servicing of the Commission on the Limits of the Continental Shelf as well as other intergovernmental bodies established by the Convention. We also believe that chapter 17 of Agenda 21, relating to the oceans, adds new elements to the mandate of the Division for Ocean Affairs and the Law of the Sea. The most imminent tasks in this field relate to the United Nations Conference on Straddling and Highly Migratory Fish Stocks and the integrated management and sustainable development of coastal and marine areas, including the exclusive economic zone.

(Mr. Batiouk, Ukraine)

It is our understanding that as far as the law of the sea is concerned the restructuring undertaken by the Secretary-General earlier this year was of a purely administrative and not substantive nature. The Division for Ocean Affairs and the Law of the Sea was merely integrated into the Office of Legal Affairs. It is important that the existing programme functions and activities not be affected and that the integrated multidisciplinary approach of the Organization to the law of the sea and marine-related affairs be maintained.

In the Ukrainian delegation's view, the time has come to begin the preparatory work for the practical implementation of the programme of international cooperation embodied in the Convention. The format for the initial stages could be drawn from last year's report (A/46/722) by the Secretary-General on the needs of States in regard to development and management of ocean resources. Once again, as in previous years, we want to emphasize that Ukraine can provide some assistance to other countries in marine scientific research, including the evaluation of fishery stocks, and in prospecting for oil and other mineral resources. We are looking for partners in the development of joint projects in seabed technology and we expect that the United Nations will be helpful in establishing the channels for such cooperation.

(Mr. Batiouk, Ukraine)

Despite the substantial body of existing international law concerning the protection of the marine environment, it is obvious that the marine ecosystem is subject to increasing degradation. Proper implementation of existing agreements is needed, as is elaboration of new instruments which would take into account the specific conditions of certain regions.

Ukraine has a lengthy coastline on the Black Sea and the Azov Sea. Unfortunately, the Black Sea and the Azov Sea have suffered catastrophic ecological damage as a result of pollution, principally from land-based sources. As a consequence, the Black Sea littoral countries, including Ukraine, are being deprived of valuable fishery resources, which have suffered an almost total collapse. An enormous recreation and tourism potential has been seriously undermined.

The shallow biologically productive layer of the Black Sea receives water from a vast drainage basin over five times its own area, extending over huge industrial and agricultural areas in nine countries. At least 162 million people live in the Black Sea basin. Almost half live in non-littoral countries in the Danube basin. One of Europe's largest rivers, the Danube, discharges huge quantities of pollutants into the Black Sea. To give just one example, the Danube alone discharges a staggering 50,000 tons of oil into the Black Sea annually.

In order to intensify the actions to combat pollution in the region, on 21 April 1992 Bulgaria, Georgia, Romania, the Russian Federation, Turkey and Ukraine signed in Bucharest the Convention on the Protection of the Black Sea Against Pollution and three additional Protocols. Information on these instruments is contained in paragraphs 74 to 77 of the report (A/47/623) of the Secretary-General.

(Mr. Batiouk, Ukraine)

Along with the Convention and Protocols, an additional Resolution was adopted to take up the issue of establishing cooperation between the Black Sea littoral States and Danube riparian States. The Resolution provides for closer relations and cooperation with the Danube States, including joint meetings with them to promote common efforts on the protection of the Black Sea from pollution.

The Ukrainian Government is conducting a review of multilateral conventions and treaties with a view to becoming a party to some of them. Due attention is being given to the conventions adopted within the framework of the International Maritime Organization. On 17 November this year Ukraine acceded to the following instruments: the 1972 Convention on the International Regulations for Preventing Collisions at Sea; the 1979 International Convention on Maritime Search and Rescue; and the 1978 Protocol relating to the 1974 International Convention for Safety of Life at Sea, as amended. These treaties are in one way or another linked to the United Nations Convention on the Law of the Sea. Seven other conventions are now being considered by the Ukrainian legislature.

As the moment of the Convention's entry into force approaches, so does the conclusion of the work of the Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea. Though it is becoming clear that the Preparatory Commission will not succeed in resolving all outstanding problems, further efforts should not be spared in order to reach agreement wherever possible.

The delegation of Ukraine would like to draw attention to just one of the major issues facing the Preparatory Commission - and the United Nations in general - concerning the financial implications of establishing the

(Mr. Batiouk, Ukraine)

International Seabed Authority. Ukraine is convinced that the principles of efficiency and cost-effectiveness should govern any decision on the subject. It now seems that seabed mining will not begin in the near future. Consequently, an independent and self-administering Authority will not be justifiable. The only solution for the interim period is the establishment of a nucleus Seabed Authority linked to the United Nations.

The United Nations Convention on the Law of the Sea continues to be of great importance in upholding the international legal order on the seas and oceans. Bearing this in mind, Ukraine, as in previous years, is again sponsoring the draft resolution on the item entitled "Law of the Sea". A realistic appraisal of the changes in the world and of their consequences for the law of the sea allowed the General Assembly a year ago to draft a non-controversial resolution. This year's draft resolution is further improved and even more oriented towards international cooperation. We therefore hope that we are now very close indeed to consensus on it.

Mr. ENGFELDT (Sweden): Ten eventful years have passed since the United Nations Convention on the Law of the Sea was opened for signature, having been adopted seven months earlier. Sweden is one of the 159 States and other entities which have signed the Convention. We have the pleasure this year, too, to be a sponsor of the draft resolution on the law of the sea.

Allow me at the outset to express my delegation's sincere gratitude to the Legal Counsel, Mr. Fleischhauer, and his staff for their dedicated efforts throughout the year. Their expertise and competence were manifested in the various meetings they organized and in the valuable bulletins, studies and reports they produced. While reflecting the complexity of legal matters, the reports also demonstrate the potential of the oceans for the benefit of mankind.

(Mr. Engfeldt, Sweden)

The 1982 Convention on the Law of the Sea stands out as a major legal and political achievement of the international community. On the one hand it codified existing rules and principles and on the other it progressively developed new law. Ten years on, it can fairly be said that the Convention, in spite of the fact that it has not yet entered into force, has exercised a dominant influence on the conduct of States on maritime issues and has become the primary source and leading authority for modern international law of the sea.

Sweden will join those countries which have proclaimed an exclusive economic zone. The Swedish Parliament has already adopted a law on the Swedish economic zone, which will enter into force on 1 January 1993. The content of that law and its associated legislation follows the provisions in the 1982 Convention.

I should like to highlight two features of the Swedish legislation. First, a strong emphasis is laid on the protection of the marine environment, and further legislation will be enacted in this field. Secondly, the remaining traditional freedoms under the principle of the freedom of the high seas in the exclusive economic zone are not prejudiced. A proper balance is being struck between the coastal State's sovereign rights and jurisdiction under the Law of the Sea Convention and the rights other States enjoy in the area.

It is the intention of Sweden to implement its legislation bona fide in relation to other States' rights and duties in its exclusive economic zone.

(Mr. Engfeldt, Sweden)

The reason why I underline the importance of bona-fide implementation of this legislation is that we have seen some disturbing inconsistencies between the enacted legislation of some States and their implementation of it. These inconsistencies can occur, for example, in connection with the right to perform scientific research in the exclusive economic zone. Whereas the coastal State undoubtedly has jurisdiction with regard to marine scientific research in its exclusive economic zone, with the effect, inter alia, that marine scientific research in the area can be conducted only with the consent of the coastal State, the coastal State is also under an obligation, under normal circumstances, to grant its consent. The circumstances under which a coastal State can withhold its consent are strictly set out in the Convention.

The provisions on the exclusive economic zone in the law of the sea Convention are the outcome of a package deal. It is therefore our view that the legal and political balance that was achieved in respect of this zone must be maintained. The fact that the law of the sea Convention has not entered into force does not alter this and must not be used as grounds for States to expand their rights beyond what is contained in the Convention. Application of the now customary law rule of the right to establish an exclusive economic zone must not be misused to attempt to expand unilaterally the rights in the exclusive economic zone.

In some areas the Convention was ahead of its time. This is particularly true in the field of protection of the marine environment and the conservation of marine living resources. The United Nations Conference on Environment and Development (UNCED) could therefore rely on the rules in the law of the sea Convention when setting out the programme for protection of the oceans in Agenda 21, chapter 17.

(Mr. Engfeldt, Sweden)

The law of the sea Convention contains provisions concerning the conservation of living resources on the high seas and in the exclusive economic zones aiming at environmentally sustainable development. In this context, Sweden welcomes the global moratorium on all large-scale pelagic driftnet fishing on the high seas by 31 December 1992 as an example of the trend to discourage non-sustainable fishing practices.

Furthermore, it is our view that if the coastal State identifies a need to protect its resources in the exclusive economic zone by action outside the zone, or by actions that affect the rights of other States in the zone, such actions shall not be taken unilaterally but in cooperation with the international community and with the principle of due regard as the primary tool of guidance. In this context we welcome the draft resolution (A/C.2/47/L.62) on the convening of a conference on straddling and highly migratory fish stocks.

The last 10 years have also provided new illustrations of problems concerning the legitimate uses of the seas that can emerge in cases of armed conflict. These issues can no longer be disregarded by mere reference to the alleged fact that "the law of the sea conventions are not applicable in armed conflicts".

Unclear situations have occurred and are likely to occur in which, for instance, hostile activities are taking place in the exclusive economic zones while at the same time non-belligerents have a legitimate right to use the same area for civil purposes, such as navigation. For example, the laying of mines in water areas can have a detrimental effect on civilians and also, directly and indirectly, on the economic situation of non-belligerents, unless the action is duly publicized and the mines removed after the hostilities. A balance therefore has to be struck between, on the one hand, legitimate civil

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uses and, on the other, legitimate military uses of the seas in a situation where humanitarian law and the law of the sea coexist. Furthermore, the need to maintain the protection of the marine environment in times of armed conflict must be recognized.

It is worth emphasizing in this context that all States have an equal right to make use of the principle of the freedom of the high seas irrespective of the means of power at their disposal. Rights and duties in the Convention - and under this principle - do not depend on the physical or economic capability of implementing them. The principle of the freedom of the high seas cannot be excavated or modified unilaterally, although application of the principle of due regard could lead to a different result today than it perhaps would have done a decade ago.

The Convention on the Law of the Sea will continue to have real, current importance. Some provisions of the Convention reflected customary law as long ago as 1982. During the course of the last decade more and more provisions have achieved that status. This development is likely to continue. It is therefore regrettable that conditions have not yet permitted the Convention to enter into force. Even if it does enter into force in the near future, only slightly more than a third of the States in the world will be bound by its provisions on treaty-based grounds.

Global acceptance of the Convention must be the goal. Otherwise we run the serious risk of conserving a multiple-track system of sources of the law-of-the-sea rules, including the 1958 law of the sea Conventions, the 1982 Convention, regional conventions and customary law rules. That would be a highly unfortunate situation. My country therefore welcomes the progress made within the framework of the Preparatory Commission.

(Mr. Engfeldt, Sweden)

It has been clear for some time that, given the long-standing differences of view on certain part XI issues, changed expectations and circumstances, and the evolving state of our knowledge, it is unrealistic at this time to expect the Preparatory Commission to be in a position to formulate recommendations on all aspects of the deep seabed mining regime covered by its mandate. While recognizing this, the Preparatory Commission has registered some significant achievements in the course of the last 10 years. It has been possible to reach agreement on many matters, particularly those related to the implementation of resolution II. The Preparatory Commission's accomplishment in this area will provide an indispensable basis for the Authority to commence its work upon the entry into force of the Convention.

I am therefore pleased to have this opportunity to pay special tribute to Mr. José Luis Jesus of Cape Verde for his outstanding leadership as Chairman of the Preparatory Commission. It is largely thanks to the skilful and dynamic manner in which he and the Chairmen of the four Special Commissions guided the efforts of their respective bodies that the work of the Preparatory Commission is now reaching its final stage.

Over the last two years informal consultations have been conducted by the Secretary-General with the objective of facilitating progress on part XI issues. Thanks to his tireless efforts and the constructive attitude of the international community as a whole, a dialogue is now well under way to resolve outstanding concerns. I wish to convey my delegation's great appreciation of the Secretary-General's important initiative.

When the Preparatory Commission meets in Kingston next spring, we must strive to finalize the ongoing discussions with preliminary final reports from the four Special Commissions. Such an achievement, together with the ongoing

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consultations under the auspices of the Secretary-General, would help tide us over until the next constructive step: the adoption of a resolution by the General Assembly allowing us to reach what should be our common goal - a universally acceptable Convention on the Law of the Sea.

Sweden is prepared to take an active part in such deliberations. It is the hope of my delegation that 1993 will be a year of achievements in this regard.

Mr. TRINH XUAN LANG (Viet Nam): My delegation would like to express its appreciation to the Secretary-General for his comprehensive reports and to the Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, Ambassador José Luis Jesus of Cape Verde, for the skill and patience with which he conducted the long and difficult negotiations. We would also like to express our sincere thanks for the efforts of the Division for Ocean Affairs and the Law of the Sea - its conduct of various activities, the provision of assistance to States in marine policy development and the compilation and publication of all relevant national and international legislation on marine affairs.

This year we celebrate the tenth anniversary of the adoption of the United Nations Convention on the Law of the Sea. This provides us with an opportunity to reflect on the remarkable contributions the Convention has made to the conduct of international maritime relations. In its 320 articles and nine annexes the Convention establishes a comprehensive set of legal norms and principles governing all forms of human activities on ocean space. We share the view of many delegations that the Convention reflects a boldly innovative approach to the progressive development of international law. Since the Convention was elaborated to meet the desires of all peoples with due regard for the sovereignty of all States, it reflects their common interest. This is well evidenced by the fact that a great number of States have become parties to the Convention and have introduced its content into their national legislations.

Though the Convention has not yet formally entered into force, it has proved, over the years, its value by providing the indispensable foundation

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for the conduct of States in all aspects of ocean space and in contributing to the maintenance of peace, justice and progress for all peoples of the world.

Today the concern of the international community focuses on the issue of ratification and implementation of the Convention. With an open mind, we hold the view that once an international treaty is concluded it reflects a certain result of progressive development at that particular juncture. No international treaty should be considered perfect, consistent with all circumstances and immune to the need for revision or amendment. Therefore, it is understandable and normal that some States are requesting revision or amendment of certain contentious provisions of the Convention.

However, my delegation is of the view that, instead of insisting on the revision of certain provisions as a precondition for enforcement of the Convention, the States concerned should choose a more practical and realistic approach through the process of further elaborating the rules, regulations and procedure for the effective operation of the Authority. In other words, the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea should be the forum for effective negotiations with a view to amending comprehensively, and applying flexibly, the provisions of Part XI of the Convention. In that way, the international community may harmonize the interests of all States, rapidly translate the provisions of the Convention into international life and encourage the promotion of exploration and exploitation of the seabed of an area in accordance with the regime provided in the Convention.

We support the initiative of the Secretary-General on convening informal consultations with open-ended participation on outstanding problems in order

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to achieve universality of the Convention. We should try by every means possible to avoid paralysing efforts so far made by the international community.

We welcome Agenda 21 adopted by the United Nations Conference on Environment and Development (UNCED), especially its chapter 17 on the global level programme of planning and management of the marine environment and resources.

While expressing our appreciation of the great efforts made by the Preparatory Commission during its 10 years of existence, we note that it has not reached its main objective. Little progress has been achieved on deep seabed mining provisions. This falls far short of our expectations.

As a coastal State, Viet Nam has always paid close attention to the progressive developments of the law of the sea. In enacting its national legislation, Viet Nam has always adhered to the provisions of the Convention, and it will continue to adjust its regulations to make them conform to the Convention.

Viet Nam lies in the area of the Eastern Sea, also called the South China Sea. According to the definition of the Convention, the Eastern Sea is a semi-enclosed sea. As predicted by many statesmen, application of the clauses in the Convention on semi-enclosed seas, particularly the provisions on extension of sea areas under national jurisdiction, will foster further regional cooperation. Nevertheless, complex problems still remain, especially territorial and jurisdictional disputes between littoral States.

The current differences and disputes on sovereignty claims in the Eastern Sea may, if not solved in a just manner, become notable seeds of potential

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danger, seriously affecting peace and stability in the region and threatening international navigation.

This situation was a matter of concern at the twenty-fifth ministerial meeting of the Association of South-East Asian Nations (ASEAN), held in Manila, and the recent Tenth Summit Conference of the Movement of Non-Aligned Countries, held in Jakarta.

According to Article 123 of the Convention, States bordering a semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties. On this point, Ambassador Hasjim Djalal of Indonesia has rightly observed:

> "If the South China Sea has in the past been separating the nations along its rim, it is the time now to consider the sea as a bridge between and among all littoral States".

Bearing in mind such a concept, Viet Nam, while firmly resolved to defend its sovereignty and territorial integrity, has already expressed clearly in its national marine legislation that in order to seek settlements for all disputes in the Eastern Sea, it is absolutely essential to hold negotiations, either direct or with the assistance of a third party. For the achievement of a satisfactory and just solution, acceptable to all parties concerned, Viet Nam has always advocated that every State should resolve to settle these disputes by peaceful means with respect for the international law of the sea, and the sovereignty and interest of all, and without resort to force or threat of force.

International law rejects any act of territorial occupation by force by one State against another as well as the intentional fabrication of a new area

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of dispute already under the jurisdiction of another State. Unilateral activity by any State which ignores the principles of international law, runs counter to the agreement previously reached and aggravates the present situation in the region will not be acceptable.

On this occasion my delegation strongly reaffirms Viet Nam's sovereign rights over the Tu Chinh reef. This is indisputable, since the whole of it is located on Viet Nam's southern continental shelf, only 84 nautical miles from the baseline of Viet Nam. We once again emphasize that the archipelagos of Hoang Sa, also called Paracels, and Truong Sa, also called Spratly, are territorial parts of Viet Nam.

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We advocate negotiating with all concerned States on the claims of sovereignty over these two archipelagos. As for the Truong Sa archipelago in particular, since there are many claiming States, we hold the view that, pending a reasonable and appropriate solution, all these States can agree on a provisional measure and maintain each one's temporary control. They should also exercise the utmost restraint and refrain from any action that may adversely affect efforts aimed at confidence-building and the relaxation of tension in relations among States of the region.

Striving for a just solution acceptable to all parties, Viet Nam is in fact conducting talks on the delimitation of maritime boundaries with Indonesia, Malaysia, Thailand and China. We are happy to note that certain progress has been achieved with some South-East Asian countries. In this connection, my delegation would like to reiterate Viet Nam's full support for the following principles put forward by the Association of South-East Asian Nations (ASEAN) Declaration of 22 July 1992.

First, to resolve all sovereignty and jurisdictional issues pertaining to the Eastern Sea by peaceful means, without resort to force;

Secondly, all parties concerned shall exercise restraint with a view to creating a positive climate for the eventual resolution of all disputes;

Thirdly, to explore the possibility of cooperation in the Eastern Sea without prejudicing the sovereignty and jurisdiction of countries having direct interests in the areas;

Fourthly, to apply the principles contained in the Treaty of Amity and Cooperation in South-East Asia as the basis for establishing a code of international conduct over the Eastern Sea.

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We are confident that, with the goodwill and mutual respect of all parties concerned, any dispute, no matter how complicated it may be, can be solved.

Finally, my delegation welcomes draft resolution A/47/L.28 as another important step in the ongoing efforts to reach an effective and universal legal order of the seas and hopes that a greater degree of consensus will be reflected in its adoption at this session.

Mr. McKINNON (New Zealand): At the concluding session of the Third United Nations Conference on the Law of the Sea in 1982 the New Zealand delegation referred to the monumental achievement represented in the Convention negotiated by the Conference in the preceding decade. It was, to quote the words of our representative:

> "a multilateral Convention ... far more extensive and far more complex than any before it. In terms of its long-term significance, it must be second only to the United Nations Charter itself."

Nothing has occurred in the 10 years since to change our opinion. We recognize that the Convention did not resolve a small number of issues concerning the deep seabed mining regime to the satisfaction of some States. However, the problems that remain to be resolved in this single area should in no way blind us to or detract from the tremendous achievement that the Convention as a whole represents.

When the negotiating history of the Convention is considered, what is perhaps most striking is that a Convention of such complexity and breadth of coverage of issues could emerge at a time when the multilateral scene was still marked by the ideological polarization of opinion that characterized the

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cold war. As Secretary-General Perez de Cuellar remarked on the day the Convention was opened for signature:

> "This Convention is like a breath of fresh air at a time of serious crisis in international cooperation and of decline in the use of international machinery for the solution of world problems. Let us hope that this breath of fresh air presages a warm breeze from North to South, South to North, East to West and West to East, for this will make clear whether the international community is prepared to reaffirm its determination to find, through the United Nations, more satisfactory solutions to the serious problems of a world in which the common denominator is interdependence." (Third United Nations Conference on the Law of the Sea, 193rd meeting, para. 42)

As we are now aware, it took some time for that warm breeze to be felt in other areas of international relations. But we can take some satisfaction from the lessons that the Third United Nations Conference on the Law of the Sea has provided us with in the years since. In particular, there was an acknowledgement throughout the negotiations - as there had never been before - of the crucial importance of adopting decisions on issues of crucial importance to the economic and political security interests of States by consensus. For those of us who have experienced the United Nations Conference on Environment and Development process the important legacy that the negotiations at the Third United Nations Conference bequeathed to the United Nations system in this regard is clear.

Regrettably, despite best efforts at the Conference to achieve consensus, the Convention itself was adopted by vote, as have the subsequent resolutions on the law of the sea been adopted each year by the Assembly. In addition,

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while much of the Convention is now recognized as embodying customary international law, the problems faced in respect to Part XI, including, inter alia, concerns about the financial implications of ratification, have served to inhibit ratification of the Convention by industrialized and many other States.

However, we are encouraged that the renaissance in the multilateral system we have witnessed in the last few years provides new hope that remaining difficulties associated with Part XI will be resolved to the satisfaction of all parties in the not too distant future. There is now, we believe, a greater willingness on the part of all parties to address the issues that have prevented the Convention from achieving full acceptance.

For its part, New Zealand considers that the informal consultations on Part XI, convened by the Secretary-General since 1990, and the law of the sea Preparatory Commission, which is now in the process of concluding work on its final reports, have complementary roles to play in facilitating a solution to the Part XI impasse. We would like to place on record our appreciation for the commitment that the Under-Secretary-General for Legal Affairs, Carl-August Fleischhauer, and the Chairman of the Preparatory Commission, Ambassador José Luis Jesus of Cape Verde, have brought - and which we are sure they will continue to bring - to their related endeavours.

Ideally, we hope that Part XI difficulties can be resolved before the Convention enters into force, for the simple reason that entry into force may bring about additional procedural complications. We recognize, however, that now, with 52 of the 60 ratifications required for entry into force, time is running out, if we are to meet the deadline. In the event that a solution is not in place by the time the sixtieth instrument is deposited, it will be

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important for a pragmatic and common-sense approach to be adopted in regard to the practical matters that will need to be addressed at the time of entry into force and to ensure that efforts to achieve a fully accepted Convention continue to be pursued with even greater determination.

The year 1992, which has been an auspicious one for the United Nations generally, has also been a year of particular importance for the United Nations Convention on the Law of the Sea. In addition to the constructive exchange of views that is taking place on Part XI issues, we have also seen the importance of the Convention, and its potential to assist in addressing key challenges in the integrated fields of environment and development, recognized by the Heads of State and other representatives attending the Earth Summit in Rio de Janeiro in June.

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Chapter 17 of Agenda 21, concerning the protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources, serves to remind us that the Convention describes the rights and obligations of States and provides the international basis on which to pursue the protection and sustainable development of the marine and coastal environment and its resources.

In particular, the overexploitation of world fisheries resources as a result of inadequate conservation and management practices in many areas of the globe continues to constitute a major threat to sustainable development as we approach the twenty-first century. The decisions taken by the United Nations Conference on Environment and Development (UNCED) in this regard recognize the need for action to ensure proper implementation and elaboration of the law of the sea regime for the rational management and conservation of high-seas living resources.

Despite the substantial progress made within the United Nations system and the actions taken by States to prohibit non-selective and harmful fisheries practices such as driftnetting, a number of important issues remain to be addressed. The report recently issued by the Division for Ocean Affairs and the Law of the Sea on the regime for high seas fisheries backgrounds a number of the problems faced in this area.

New Zealand in particular welcomes the agreement reached at the Earth Summit that a conference should be convened under United Nations auspices to promote the effective implementation of the provisions of the Convention on straddling and highly migratory fish stocks.

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We share a common concern with our neighbours in the South Pacific that appropriate conservation and management measures must be adopted to ensure that the valuable tuna resources that migrate through the exclusive economic zones and the high seas of the South Pacific are adequately safeguarded. We shall be working at the conference for the adoption of recommendations that recognize the special interests that coastal States have, in accordance with the terms of the Convention, in ensuring that straddling and highly migratory stocks are appropriately conserved.

Among the other law-of-the-sea-related matters covered in Agenda 21 that we consider of particular importance are the provisions concerning marine pollution and hazardous-waste management, integrated coastal zone management, the special status accorded under the Convention on the Law of the Sea to cetaceans and marine mammals, and the need to address the challenges to sustainable development faced by small island developing States. The Convention on the Law of the Sea provides the firm legal basis on which States are required to act in many of these areas.

At UNCED, New Zealand was also concerned to ensure that appropriate recognition was given to the need for effective cooperation and coordination within the international system on the myriad of ocean-related issues. In this connection, we should like to express our thanks once again for the comprehensive report (A/47/623), that the Secretary-General has provided us with on the law of the sea, as well as the special report (A/47/512) on progress made in the implementation of the comprehensive legal regime embodied in the United Nations Convention on the Law of the Sea. These reports serve to demonstrate that, while a number of United Nations programmes and agencies have responsibilities for ocean-related matters, the Division for Ocean

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Affairs and the Law of the Sea, which has responsibility, inter alia, for the annual preparation of these reports, continues to play a vital coordinating role within the United Nations system in respect of all matters related to the Convention.

We therefore express our appreciation to the Division for the useful work it has undertaken in the course of the year. Clearly, in view of the focus that the United Nations Conference on Environment and Development has now placed on a number of important ocean-related matters, in particular the work that will need to be carried out in connection with the United Nations Conference relating to straddling and highly migratory fish stocks, we expect the Division will be subject to growing demands in the future. It will be essential in our view to ensure that it has the appropriate resources to meet these demands.

New Zealand is pleased to co-sponsor the draft resolution before us today. In our view, the text appropriately recognizes the contribution the Convention has made - and will continue to make - to the conduct of international maritime affairs, while acknowledging, at the same time, the need to address outstanding issues related to part XI. We are confident that the outcome of the vote will serve to reinforce the international community's commitment to turning the goal of a universally accepted Convention, which guided our efforts throughout the Third United Nations Conference on the Law of the Sea, into a reality.

Mrs. FLORES (Uruguay) (interpretation from Spanish): My delegation would first like to thank the Secretary-General for his excellent report in document A/47/512, dated 5 November 1992, on progress made in the implementation of the comprehensive legal regime embodied in the United

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Nations Convention on the Law of the Sea. This subject is dealt with also in document A/47/623, issued just recently.

This year, in which we observe the tenth anniversary of the adoption of the Convention, it is important to emphasize the fundamental role it has played in the evolution of international law. In fact, after years of intensive negotiations, it became possible to draft, on the basis of consensus, an instrument encompassing all aspects of the law of the sea - negotiations that served, during the preparation of that instrument, as a world-wide forum in which all States could express their views on the subject. The invaluable contribution of this instrument is clear in the context of the United Nations Decade of International Law. Under paragraph 2 of General Assembly resolution 44/23, dated 17 November 1989, which was adopted by consensus, two of the major aims of the Decade are to promote acceptance of and respect for the principles of international law, and to encourage the progressive development of international law and its codification.

Uruguay, as a maritime country, has always attached enormous importance to the law of the sea and considers that the preparation of the Convention on this subject constituted an unprecedented effort by the international community in this domain. The Convention recognizes the collective desire, expressed in its preamble, to establish a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans, the equitable and efficient utililization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment.

(Mrs. Flores, Uruguay)

The Convention has the merit of being a work of both codification and progressive development, which, while not yet in effect, has served as a guide for States in their actions and has provided a framework for the adaptation of domestic legislation and as a reference point for the decisions of international tribunals such as the International Court of Justice.

As the Secretary-General emphasizes in paragraph 81 of his report, the Third United Nations Conference on the Law of the Sea Conference and the United Nations Convention on the Law of the Sea have generated in the past two decades a large volume of and activities in various areas of the law of the sea which in fact have signified very wide acceptance of the basic concepts, principles and basic provisions embodied in the Convention.

(Mrs. Flores, Uruguay)

Although many of its provisions reflect customary law, my delegation feels that there must be universal adhesion to the Convention. In this connection Uruguay has today deposited its instrument of ratification of the Convention on the Law of the Sea, raising the number of States Parties to it to 53.

My delegation would like to reiterate its support for the efforts made by the Secretary-General in holding a series of informal consultations to identify issues that might impede ratification or accession to the Convention by some States. This is helped by the fact that participating delegations have recognized the principles reflected in the Convention, for example those governing the seabed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, as well the declaration of its resources as the common heritage of mankind.

That principle, enunciated in the Declaration of Principles by the General Assembly in resolution 2749 (XXV), is viewed as jus cogens in the Convention, which stipulates that:

> "State Parties agree that there shall be no amendments to the basic principle relating to the common heritage of mandkind set forth in article 136 shall not be party to any agreement in derogation thereof."

Notwithstanding the difficulties that have hindered the effective implementation of some of the provisions of the new legal regime of the Law of the Sea, the Preparatory Commission has since 1987 been registering pioneer investors, in accordance with resolution II of the Third United Nations Conference on the Law of the Sea. Pursuant to the 1986 understanding, periodic reports have been received from registered pioneer investors and

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certifying States corroborating the interest of the international community in this connection.

We have drawn attention on prior occasions to the fact that the notion of the inexhaustibility of marine resources and the unrestricted exploitation of the oceans as a means of ensuring greater profits for States has been superseded by the need for sustainable, equitable and efficient exploitation that would preserve those resources and protect and preserve the marine environment. That rational criterion, reflected in the Convention, must be broadly applied and implemented.

For those reasons, among others, Uruguay is cosponsoring draft resolution A/47/L.28.

My delegation is concerned that fishing methods and practices are being used that can harm the environment and prejudice the conservation and management of marine living resources. Indeed, excessive exploitation of living marine resources in the high seas, particularly with regard to shared highly migratory species, has a negative impact on the preservation and governance of living marine resources in exclusiuve economic zones.

My delegation considers that those problems can be solved to a large extent through enhanced cooperation. Some regional initiatives, such as the Conference on Indian Ocean Marine Affairs Cooperation (IOMAC), provide an opportunity for the rapid development of national capabilities and the rational utilization of marine resources, as well as for enhanced participation in the exploitation of those resources.

My country takes particular interest in the establishment of integrated regional organizations of coastal States and those interested in the exploitation of natural marine resources of the region. Uruguay, as is well

(Mrs. Flores, Uruguay)

known, along with some of its South American neighbours and many African countries, is a member of the Zone of Peace and Cooperation of the South Atlantic, which will play a key role in the functioning of a system designed for the preservation and exploitation of living marine resources, research, technological exchange and so on. The establishment of regional marine technological centres will also help to achieve this goal.

Since my delegation agrees with the initiatives taken to promote the effective implementation of the provisions of the Convention with regard to straddling and highly migratory fish stocks, we support the convening of an intergovernmental conference under United Nations auspices in accordance with the recommendation made by the United Nations Conference on Environment and Development held in June 1992.

Finally, my delegation would like to express its desire to avoid pollution of the marine environment. In keeping with that concern, Uruguay has ratified the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. We have also adopted legislation to prevent the entry of such waste into our national jurisdiction. Uruguay is currently hosting a meeting sponsored by the United Nations Environment Programme (UNEP) and attended by all signatories of the Basel Convention. One of the principal reasons for the meeting is to ensure a substantial reduction in the international transport of toxic wastes.

The PRESIDENT: In the light of Uruguay's adhesion today to the Convention, delegations may wish to take note of the following oral amendment to operative paragraph 2 of draft resolution A/47/L.28. In the third line of operative paragraph 2, the words "fifty-two of the sixty ratifications or accessions" should be replaced by the words "fifty-three of the sixty ratifications or accessions".

Mr. AYEWAH (Nigeria): Today we mark the tenth anniversary of the historic adoption by the international community of the United Nations Convention on the Law of the Sea, which was opened for signature at Montego Bay, Jamaica, on 10 December 1982. The Convention is the product of meticulous efforts by experts from more than 150 countries. It is also the befitting outcome of nine years of fruitful negotiations, which resulted in the current establishment of a new and comprehensive legal regime for the seas and oceans. It was therefore not surprising that when the Convention closed for signature on 9 December 1984 a total of 159 countries had signed the document, a feat unprecedented in treaty history.

The report of the Secretary-General (A/47/512) on the progress made in the implementation of the comprehensive legal regime embodied in the United Nations Convention on the Law of the Sea confirms the general belief that its adoption is an expression of the international community's collective will to cooperate on ocean affairs. Despite the fact that the Convention has yet to enter into force, it has nevertheless contributed to creating a general harmonizing trend in State practice towards conformity with its regime. Among other things, the Convention has made the international community aware of the need to facilitate international communication and the peaceful uses of the seas and oceans as well as the equitable and efficient utilization of the ocean resources.

The Third United Nations Conference on the Law of the Sea established a Preparatory Commission to prepare the rules, regulations, procedures, administrative and institutional structures as well as other necessary requirements for the two institutions created by the Convention, namely, the International Sea-Bed Authority and the International Tribunal for the Law of the Sea.

(Mr. Ayewah, Nigeria)

The Secretary-General's report (A/47/623) confirms my delegation's belief that the Preparatory Commission has made tremendous progress towards carrying out its mandate of defining the modalities of operation of these institutions. We therefore urge all members of the Commission to continue their efforts to resolve all pending issues in accordance with the provisions establishing it. We commend the wisdom of its Chairman, Ambassador Jesus, for his immense contribution to its work. Similarly, the Chairmen of the Special Commissions merit my delegation's commendation for their tireless efforts in seeking solutions to the pending issues of the Commission's work.

Since 1989 the Secretary-General has undertaken a series of bilateral consultations which have led to the convening of informal consultations with some States representing all regions and interest groups involved with the Convention on the Law of the Sea. The first such meeting, which took place on 19 July 1990, has been followed by six other rounds of informal consultations in an enlarged and open-ended format. We welcome the spirit of these consultations, which are aimed at broadening acceptance of the Convention and resolving pending issues relating to it. We are particularly encouraged by the Secretary-General's statement at the opening of the seventh round of informal consultations that

> "the consultations are not a negotiation of the Convention in disguise, but rather are intended to shed light on various positions with respect to outstanding issues on the deep seabed mining provisions of the Convention."

We urge all States that have not done so to ratify or accede to the Convention to enable it come into force so that the law of the sea will not revert to the uncertainty and instability which existed before the convening

(Mr. Ayewah, Nigeria)

of the Third United Nations Conference on the Law of the Sea. We agree with the view that the future of the Convention cannot be left to chance and that the results of the many years of fruitful negotiations cannot be allowed to dissipate.

The adoption of Agenda 21 by the United Nations Conference on Environment and Development, chapter 17 of which deals with "Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources", has highlighted the need for a global strategy for the protection and preservation of the marine environment. The developing coastal States are more vulnerable to pollution and the dumping of hazardous and toxic substances, including radioactive wastes. We believe that the vast economic resources of the oceans, seabeds, deep sea and coastal areas need to be preserved and protected so that they can be properly managed and economically developed in an environmentally sound manner.

The United Nations Convention on the Law of the Sea is the only legal instrument which effectively integrates environment and sustainable development. Developing countries have made efforts to integrate the ocean sector in their national development plans and programmes. We therefore call for increased international cooperation so that developing countries may be helped to derive maximum benefits from the comprehensive regime established by the Convention. In this regard, international organizations and multilateral funding agencies need to intensify their efforts in providing such assistance.

We welcome the appointment of Mr. Carl-August Fleischhauer, Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations, as the new senior Secretariat officer for the law of the sea. We are

(Mr. Ayewah, Nigeria)

particularly encouraged by his statement at the ninth session of the Preparatory Commission in Kingston, Jamaica:

> "The integration of the Office of Ocean Affairs and the Law of the Sea into the Legal Office did not imply a change in policy of the United Nations with respect to the Law of the Sea".

We expect that he will use his good offices to ensure the speedy implementation of programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, in all its aspects.

The meeting rose at 7.15 p.m.